

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ALABAMA
3 SOUTHERN DIVISION

4 THE UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 JOEL IVERSON GILBERT,
8 STEVEN GEORGE MCKINNEY, and
9 DAVID LYNN ROBERSON,

10 Defendants.

CASE NO. 2:17-cr-00419-AKK

Abdul K. Kallon
United States District Judge

June 25, 2018
Birmingham, Alabama

11 **JURY TRIAL - VOL. 1 of 19**

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1 THE COURT: Only 64 people showed up. 5 of them had
2 prepaid vacation plans. So I think only 59 will come.

3 THE COURTROOM DEPUTY: 58.

4 THE COURT: We'll see where we are. If I have enough,
5 then my plan will be to give the defendants two additional
6 strikes. I'm willing to listen if there's an argument to
7 be made for more, but, again, it will all be contingent on
8 how many we have after the strikes for cause.

9 There is a preliminary questionnaire that's been given
10 to me. I think it was given to me last week or some
11 portion of it. And it was given to me again today. Both
12 sides are in agreement on those?

13 MR. SHARMAN: Yes, sir.

14 THE COURT: Okay. I will read that as part of my voir
15 dire. Thank you.

16 Okay. Be seated, please.

17 Ms. Sabrina, are you ready?

18 THE COURT REPORTER: Yes, sir.

19 THE COURT: In the interest of disclosure, not that
20 this matters to you at all, in addition to the interns in
21 this building, I believe the interns in Tuscaloosa with
22 Judge Coogler are listening in as well to this trial.

23 As I mentioned when we met for the pretrial, it's
24 always good to have cases in the summer from a teaching
25 point of view. And I think this is an opportunity for the

1 law clerks but also for the interns as well to observe.
2 And so I appreciate the parties' and the lawyers'
3 willingness to allow the courtroom and the audio feed to be
4 transmitted to the students in Tuscaloosa as well.

5 Karen said there were some preliminary matters that you
6 guys wanted to raise with me this morning. I assume
7 they're separate from the ones we talked about on Friday,
8 but go ahead, please, Mr. Bloomston.

9 MR. BLOOMSTON: Yes. May it please the Court, Your
10 Honor, Brett Bloomston for the defendant, David Roberson.

11 Your Honor, we would ask the Court to consider
12 something a little bit out of the ordinary course, and that
13 is to allow Mr. Roberson's team to address him and to refer
14 to him by his first name, David. We believe that this will
15 help with potential clarification as to one of the key
16 witnesses in the government's case is --

17 THE COURT: No, let me stop you. Is there an objection
18 from the government?

19 MR. MARTIN: No, Your Honor.

20 THE COURT: Okay. Yeah, it's your client. My
21 formalities only extend to other witnesses. But if
22 Mr. Roberson prefers for you to call him by his first
23 name -- and that goes for everyone else. If it's your
24 witness or your client and you believe, for whatever
25 reason, including the one Mr. Bloomston has mentioned,

1 confusion or just to personalize an individual to the jury,
2 you are free to use the first name.

3 MR. BLOOMSTON: Thank you, Your Honor.

4 We have one other issue, Your Honor. The government,
5 we believe, in their case in chief may refer to society as
6 a whole as a victim of honest services fraud in this
7 matter. We would object to the terminology of the phrasing
8 of "victim." We believe it's prejudicial, it assumes that
9 the defendants are guilty, and it would be an improper
10 bolstering of the government's case to use the term
11 "victim."

12 THE COURT: In any criminal case, there's always an
13 alleged victim. How is this different than the standard
14 case?

15 MR. BLOOMSTON: Well, our concern, Your Honor, is that
16 if the potential jury is classified -- if all of us are
17 classified as victims, it may affect their impartiality and
18 ability to rule, having not considered that they were a
19 victim before they came into the courtroom and heard
20 themselves being referred to as a victim. So we think it's
21 highly prejudicial and certainly, again, would assume that
22 the defendants are guilty if they are classified as that.

23 THE COURT: What's the government's response, if any?

24 MR. MARTIN: Judge, the indictment has long charged
25 that the State of Alabama and its citizens were victims of

1 honest services fraud by Oliver Robinson, who has admitted
2 to committing honest services fraud against the state and
3 its citizens.

4 The defendants could have made this objection long
5 before the first day of trial, but they didn't. And it is
6 just a fact, and it is not unfair that the government refer
7 to the victims of Oliver Robinson and his co-conspirators'
8 scheme as victims. The state itself and its citizens are
9 victims of the honest services fraud by a state legislator.
10 That's what this case is about. And how we go through this
11 case without mentioning that, I don't know. And the
12 government shouldn't be put in that position of having to
13 not talk about the victims of the defendants' alleged
14 crimes.

15 THE COURT: I generally agree. How do I address,
16 Mr. Bloomston, your concern overruling your objection
17 beyond telling the jurors what we typically tell them,
18 which is an indictment is not evidence of guilt and that
19 they are the ones who are to determine if the government
20 has proved its case beyond a reasonable doubt? And so to
21 the extent there's something else that you want me to
22 consider doing beyond that --

23 MR. BLOOMSTON: No, sir.

24 THE COURT: -- I'm open to that to address the concern
25 that you have.

1 MR. BLOOMSTON: No, sir, Your Honor. Thank you.

2 THE COURT: Thanks.

3 Any other preliminary things beyond what we chatted
4 about on Friday?

5 MR. MARTIN: Your Honor, the government would ask the
6 Court to invoke the rule and excuse the government's case
7 agents from the rule.

8 MR. ASBILL: I'm sorry. Did you want to have more than
9 one case agent?

10 MR. MARTIN: Yes. We have two case agents, one from
11 the FBI and one from the IRS.

12 MR. ASBILL: We object to more than one case agent
13 sitting in the courtroom on their side for the whole trial.

14 THE COURT: You have one from the IRS and one from
15 where else?

16 MR. ASBILL: FBI.

17 THE COURT: FBI? Okay. Since an objection has been
18 made, why do you need two?

19 MR. MARTIN: Your Honor, both of these agents worked on
20 the case together, and they had different focuses at times.
21 And we will be presenting evidence that both of them worked
22 on together and also separately. And the defendant has
23 their gaggle of people who are helping him. And these two
24 case agents worked on the case, and the government only
25 intends to call one of them in trial. So we ask that the

1 FBI agent at least be excused from the rule.

2 THE COURT: Gaggles? That's a little bit strong.

3 MR. MARTIN: Not from our perspective, Judge.

4 THE COURT: Okay. You may.

5 MR. ASBILL: If either of them are going to be called
6 as witnesses, they're only allowed to have one in the
7 courtroom, not allowed to have two case agents that are
8 potential witnesses at this trial.

9 THE COURT: Well, he just said -- I don't know if that
10 changes your position, but he just said he's only going to
11 call one of them as a witness. I don't know which one. I
12 guess he's only going to call one witness.

13 Mr. Martin, did I understand that correctly? Or did I
14 just misunderstand totally what you said?

15 MR. MARTIN: Judge, could you repeat that, please?

16 THE COURT: I think I heard you to say you're only
17 going to call one of these two gentlemen as a witness in
18 this case. Is that correct or incorrect?

19 MR. MARTIN: That is the plan, yes, sir, at this point.

20 THE COURT: Does that change the defendants' position
21 on allowing two in the courtroom?

22 MR. ASBILL: If only one will ever be called, even if
23 there's a rebuttal need for the other. I don't think it's
24 fair to have two of them in this courtroom if they could
25 potentially be witnesses at any time regardless of what the

1 present plan is. And with respect to our "gaggle" of
2 people, we don't have witnesses other than the potential
3 defendants in this courtroom on our side.

4 THE COURT: I agree with that point, the latter point.
5 That's the reason why I told Mr. Martin that "gaggle" is a
6 bit strong.

7 All right. Subject to the government only calling one
8 of these two case agents, the government will be allowed to
9 have both of them in the courtroom.

10 As I promised on Friday -- so that the record is clear,
11 there was a phone call where the Court was asked to
12 revisit -- orally, that is, was asked to revisit or to
13 reconsider its decision regarding the motions in limine
14 that deal with the alleged commonplace nature of the
15 defendants' conduct and the defendants' motion to admit
16 certain evidence regarding the environmental issues in the
17 case.

18 Obviously, again, the parties are generally in
19 agreement that some background information about the
20 environmental issues needs to come in. The issue from my
21 perspective is what I ruled on. I believe that the
22 defendants seek to go above and beyond just generic
23 background context evidence and seem to want to, for lack
24 of a better term, challenge the EPA's decisions in this
25 case to designate Mr. Roberson's employer as one of the

1 parties that are responsible for the contamination at the
2 35th Avenue Superfund Site.

3 I have gone back, as I promised the parties that I
4 would; I have read the briefs. And I will carry the issue,
5 as far as the environmental issues are concerned in this
6 case, to see how the government tries its case. But in the
7 grand scheme from my perspective and consistent with what I
8 have ruled on already, whether the defendants believe that
9 Mr. Roberson's employer was not responsible and/or that the
10 EPA overreached in its decisions in this case is evidence
11 that I don't believe is relevant to the question of whether
12 these defendants purportedly bribed a state legislator.

13 Again, I think in the government's response they have
14 outlined the type of context evidence that they agree needs
15 to come in. Where I think there's no issue with respect to
16 at a minimum that coming in, the one thing that I will want
17 to hear from the government -- not the government -- from
18 the defendants on later is on the call on Friday, an
19 argument was made, which was not in the papers that I read
20 before I ruled on the motion, that because the EPA, I
21 guess, engaged in some grassroots efforts, that the
22 defendants believed that they also needed to counteract
23 that with their own grassroots efforts.

24 When the time comes, I will hear on the record about
25 that. Subject to certain limitations, obviously, I do

1 think generally that type of evidence is allowed and needs
2 to come in as part of laying the framework for the jurors
3 to have the full context of what was going on at the time.
4 But, again, my inclination is -- and I'll give the
5 defendants an opportunity to put everything in the record
6 and then will revisit the issue if I'm convinced otherwise.

7 But my overall inclination is that the EPA, which has
8 always been an agency that evokes strong emotions from both
9 sides, either from those who feel that the EPA is not a
10 strong environmental advocate or from the other side that
11 believes that they are too antibusiness, the EPA is not in
12 trial in this case. What I'm trying is the alleged bribery
13 of a state legislator. And depending on how the government
14 goes about to prove its case, I will revisit the issue on
15 whether or not I need more background information about the
16 EPA's actions in this case beyond just the generic -- what
17 I'll call the generic, but tracking what the government has
18 outlined in its response to the motion.

19 MR. GILLEN: Your Honor, may I be heard briefly on
20 that?

21 THE COURT: You may, but I'm not going to rule on it
22 until later. But go ahead.

23 MR. GILLEN: I understand that. But the reason why I'm
24 raising it is because we're going to have opening soon, and
25 I want to make sure that we have clarification from the

1 Court on this.

2 For the record, Mr. Gillen for Mr. McKinney.

3 On Friday what the Court told us to do is to get in
4 touch with the government and to try to work out some sort
5 of parameters.

6 THE COURT: Correct.

7 MR. GILLEN: There was a call with the government on
8 this issue. And as one might expect, there was not total
9 agreement between the parties about what the Court's
10 parameters were and how that should be implemented.
11 However, my recollection of the call with the government
12 went as follows:

13 My point to the government is, "Are you saying that
14 when the EPA proposes action on 35th Avenue and extension
15 into Tarrant and Inglenook and to place 35th Avenue on the
16 NPL list, are you saying the actions of the defendants in
17 order to react to and to marshal together appropriate,
18 lawful, and ethical responses to that would not be
19 admissible, such as, you know, research that was done,
20 whatever testing that was done, the community outreach that
21 was done, contacting political officials, the governor, the
22 attorney general, the senators, the congressmen, all of
23 that? Is that something that the government believes would
24 not be admissible?"

25 And my recollection from the discussion with the

1 government is that they agreed with me that that would be
2 admissible. What they did not believe would be admissible
3 was to try the EPA case or the extension or proposed
4 extension into Tarrant or the NPL listing as a right or
5 wrong decision that was made by the EPA but that actions
6 taken by the defendant which show the context of their
7 activity to show that they were acting in their view -- and
8 this is obviously a criminal case with specific intent
9 required -- that their view was the actions they were
10 taking was appropriate and well thought out and had a plan
11 involving multifaceted prongs to that plan.

12 My understanding is that the government's objection
13 went as follows: "We don't think that someone can simply
14 walk into court and introduce an historical document
15 regarding what might have been the previous testing from
16 Jefferson County or from the CDC subsidiary."

17 Now, that's different from the point that I raise. The
18 point that I raise is the collecting of materials and the
19 dissemination of those materials and the advocacy for the
20 appropriateness of the position of Drummond and Balch would
21 be admissible as it relates to the intent of the
22 defendants.

23 My recollection from the call was that as it related to
24 that particular matter, that the government seemed to be
25 more in line with my view of what the Court would be

1 admitting. And I wanted to get that on the record because
2 the Court directed that we meet. We did meet. We didn't
3 meet physically, but we spoke. And I wanted to report at
4 least on my perception of that because, as I said earlier,
5 we're going to be having opening statements rolling up, and
6 I wanted to make sure that the Court and the government was
7 aware of my perception of what at least the government
8 believed would be within the scope of the Court's ruling.

9 Thank you, Your Honor.

10 THE COURT: Thank you.

11 MR. ASBILL: Judge, I just want to weigh in on this as
12 well because I had planned to talk about this in openings,
13 too.

14 I understand the Court's desire not to get into a
15 fight --

16 THE COURT: Yeah, I don't think anything that you guys
17 have said so far goes to the merits of the EPA's conduct,
18 whether it's right, whether they overreached or not. I see
19 that as contextual evidence, though I think the issue is,
20 at this point for me is, Mr. Martin, Mr. Ward, Ms. Mark, do
21 you guys disagree with the representation that's been made
22 here in court about the call?

23 MR. WARD: Thank you, Your Honor. Mr. Ward for the
24 government.

25 With all respect to Mr. Gillen, we came away with a

1 very different perception of the call on Saturday.

2 THE COURT: Okay.

3 MR. WARD: The parties did talk and did try to reach
4 agreement. The government explained specifically that we
5 intend to establish the background as set out in the
6 indictment. Paragraph 7 through 12 of the indictment set
7 out just basic background for the events. But we didn't
8 believe it was appropriate to get into whether the
9 defendants believed that their opposition to EPA was
10 correct or not.

11 And I think that's kind of a backdoor way of getting
12 into the merits of the case, not exactly arguing that the
13 EPA was right or wrong but arguing that the defendants
14 believed that they were right and EPA was wrong and putting
15 in evidence about that to support their beliefs. And, Your
16 Honor, we --

17 THE COURT: All right. Let me stop you there. The
18 defendants want to be able, I guess, as part of their
19 opening, as part of their case to say that in response to
20 the EPA, they engaged in community outreach efforts. Any
21 objections from the government with respect to that?

22 MR. WARD: No.

23 THE COURT: They also want to get either in opening or
24 as part of their case that as part of their response, they
25 contacted certain political officials both from the state

1 and perhaps local elected officials as well. Any
2 objections to that aspect of their position?

3 MR. WARD: No, Your Honor, not to them putting in the
4 facts of that. What we would object to is argument or
5 evidence that gets into what they believe -- the sincerity
6 of their opposition to the EPA and then arguing from that
7 that they had a good faith intent. Because as Your Honor
8 said in one of your orders very correctly, obviously one
9 can bribe a public official to take an action that one
10 sincerely believes in.

11 THE COURT: Okay. Go ahead.

12 MR. ASBILL: Well, obviously one is less likely to
13 bribe a politician if you sincerely believe that you're
14 right and you're going to win on the merits.

15 THE COURT: Well, again, I'm not sure if the EPA's
16 overreach or their -- EPA being wrong is somehow something
17 that I need to get into to deal with whether the actions
18 that your clients took with respect to Mr. Robinson crossed
19 the line into bribery to violate the laws here that have
20 been charged.

21 The EPA is not in trial in this case. We do need to
22 bring in some background context including your client's
23 response that involves any community outreach that they
24 undertook, any political contacts that they make. But I
25 don't think I will allow you -- in fact, I will not allow

1 you to get into any arguments about the EPA's actions being
2 wrong or your clients believing that the EPA's actions were
3 wrong and, therefore, this is why they did X, Y, and Z.

4 Again, your clients obviously have to put on a defense.
5 I think they can do that within the limitations of my
6 ruling without crossing the line and arguing that
7 somehow -- because even if you are correct, as I see it,
8 the law -- even if the EPA had no reason to do what it did,
9 the law or the science did not support the EPA's actions to
10 the extent that the government is able to prove that the
11 alleged conduct here rises to a bribe, to use that just
12 generic vernacular.

13 I don't think that under the law, as I understand it,
14 the fact that the EPA's actions, assuming you are correct,
15 were wrong, Mr. Roberson's employer was not liable for the
16 conduct, had valid defenses, that does not excuse the
17 alleged bribery.

18 MR. ASBILL: No way were we trying to make that
19 argument.

20 THE COURT: And so for that reason, to the extent that
21 the defendants want to argue that in response to EPA's
22 community outreach they also engaged in community outreach,
23 that's fair. To the extent that the EPA's actions led the
24 defendants to contact political figures to try to enlist
25 their help, that's fair to put that in as well.

1 The evidence about how the site was designated as a
2 Superfund site is valid and can come in. Evidence related
3 to how it was added or the proposal to add it to the
4 National Priorities List can come in as well. But we will
5 not, again, allow the propriety of the EPA's actions to be
6 litigated in this case.

7 MR. ASBILL: We're not trying to say that just because
8 we thought the EPA was wrong, we were entitled to bribe
9 people. That's not the defense in this case.

10 MR. SHARMAN: Your Honor, briefly, Jack Sharman for
11 Mr. Gilbert.

12 Just so I don't run afoul of the Court's order within
13 the first 10 minutes of my appearance, am I to understand,
14 Your Honor, that if I wish to say in opening that
15 Mr. Gilbert did not believe Drummond to be liable for the
16 contamination, that I may not say that under the Court's
17 order?

18 THE COURT: I will not allow you to go there. In
19 opening -- I guess it's opening. I need to be fair to you
20 guys. Obviously, "fair" may not be the right term.

21 Your clients obviously have every right under the law
22 to defend themselves, and so I don't need to restrict you
23 too much. But I also don't want to engage in the ultimate
24 mini-trial and have the strong emotions for and against the
25 EPA's actions to be at issue in this case.

1 So what do you plan to say, before I give you an answer
2 to that question? What else do you plan to say?

3 Mr. Gilbert does not believe that Mr. Roberson's employer
4 was liable for the actions. Therefore, what?

5 MR. SHARMAN: And therefore took lawful, appropriate,
6 and perfectly acceptable and customary actions to oppose it
7 because he did not believe that his client had contributed
8 to the charged conduct.

9 And that's important, Your Honor, because one of the
10 pillars of the government's case is that because of
11 financial exposure potentially with regard to a Superfund
12 site, the defendants were motivated to bribe somebody.

13 Of course, not only do we disagree with that, we
14 believe that, obviously, the opposite is true and that the
15 vigor of the response, whether before an agency, in the
16 community, in litigation, or in contact with public
17 officials, was driven by our belief and understanding that
18 we and Drummond were in the right.

19 I do not believe, Your Honor, that that involves
20 putting EPA on trial. It involves meeting the
21 government's -- or one of the government's central charges
22 against us.

23 THE COURT: Mr. Ward, let me hear from you --

24 MR. WARD: Thank you, Your Honor.

25 THE COURT: -- as to Mr. Sharman's description of what

1 he wants to do in opening.

2 MR. WARD: Your Honor, I appreciate his comments. I
3 just -- I'm having trouble connecting the dots.

4 I've worked in private practice. Many of us have. And
5 sometimes you represent clients whose positions you agree
6 with substantively, and sometimes you don't agree with them
7 substantively, and you advocate vigorously either way and,
8 you know, do what you think is right either way.

9 So I don't see the relevance -- I still don't see the
10 relevance of argument that the defendants as attorneys
11 believed that their client's position was substantively
12 right as a technical matter and that that somehow means
13 that they were less likely to violate the law.

14 Your Honor, true believers sometimes find it easier to
15 rationalize wrongdoing because it's wrongdoing in service
16 of the greater good. So I just don't see the connection,
17 Your Honor.

18 MR. SHARMAN: Your Honor, if the government will
19 stipulate that they will not argue or put on evidence that
20 we were motivated to avoid cleanup costs, then I'll
21 withdraw the request.

22 MR. WARD: Your Honor, we have to be --

23 THE COURT: Mr. Ward?

24 MR. WARD: Your Honor, the government has to be able to
25 explain why the defendants were motivated to take action,

1 just to explain to the jury why it is that Drummond and the
2 representatives at Balch cared about this.

3 MR. SHARMAN: I look forward to that, Your Honor, but I
4 would like to do my own explaining, too.

5 THE COURT: Mr. Ward, you have the floor.

6 MR. WARD: Your Honor, I won't repeat myself. I think
7 the government would object to that line of argument. The
8 sincerity of the defendants' belief and their opposition
9 just has no relevance in this case, and it poses a high
10 risk of undue prejudice under Rule 403 because the risk is
11 the jury's going to confuse these arguments about the
12 defendants' intent, their good faith intent in opposing the
13 EPA, with whether the defendants intended to commit the
14 crimes that they have been charged with. And that's a
15 serious risk.

16 Frankly, we found it confusing in our call on Saturday,
17 I'm sure through no fault of the defense lawyers. They're
18 excellent at their jobs. But when we talk about evidence
19 and they say, "This is relevant to the defendants' intent,"
20 we have to kind of drill down, "What do you mean by
21 intent?" Because if it's just you earnestly believe that
22 the EPA was wrong, that's not what we're here for.

23 MR. GILLEN: Your Honor, Craig Gillen for --

24 MR. ESSIG: Your Honor, may I be heard on this? I was
25 on the call on Friday and did most of the argument for the

1 defense.

2 I think, Your Honor, to the extent that I was confusing
3 on Friday, I think we can fairly well summarize it.

4 The indictment contends the defendants were motivated
5 by a fear that Drummond would be exposed to tens of
6 millions of dollars of cleanup costs. That is the exact
7 allegation in the indictment. That's what they contend is
8 the central motive.

9 The defendants' belief that after they litigated this
10 matter that their clients were right and could not be
11 exposed to the tens of millions of dollars in costs would
12 tend to explain that they did not have corrupt intent.
13 This evidence that we are talking about is not really the
14 belief in the EPA being wrong. It's our clients' belief
15 that they were right. That belief has the tendency to
16 negate the notion that they had corrupt intent.

17 Mr. Ward is correct. They can argue to the jury and
18 the jury might ultimately find that a legitimate opposition
19 still involved bribery. But that's a decision for the jury
20 to make based on evidence that they hear. The fact that
21 we're having this discussion and the fact that Mr. Ward
22 said that sometimes clients take positions even when they
23 don't agree with their client indicates it's an open fact
24 question that cannot be decided as a matter of law to
25 exclude all evidence on this issue. And I think at this

1 point, that's all we're asking the Court for.

2 THE COURT: What is your clients' beliefs about the
3 merits of the EPA's purported conduct and all the other
4 actions they took? Let's drill down with respect to
5 Mr. Roberson, though -- I'm sorry -- Mr. Robinson. This
6 goes back to Mr. Bloomston's point at the start of all this
7 about the potential confusion.

8 Give me a minute. Let me look at the relevant part of
9 the indictment for a minute.

10 (Pause.)

11 THE COURT: Who is going to bring in the defendants'
12 beliefs into the evidence? The defendants themselves? Or
13 how is that evidence going to come in to the jury?

14 MR. ASBILL: It may come in through the defendants. It
15 may come in through Drummond executives. It may come
16 through Balch lawyers. There are a lot of different ways
17 that it might come in.

18 THE COURT: Well, what do you plan to do when you call
19 the witnesses exactly?

20 MR. ASBILL: Well, I think -- well, I'll try to give
21 some preview of this. One thing I do not intend to do --

22 THE COURT: Yeah, I need a preview. I need a preview.
23 Look --

24 MR. ASBILL: Okay. Well, I don't intend to argue that
25 this scientist was right or this scientist was wrong.

1 THE COURT: Let's stop for a minute, okay? I know this
2 is a heated case for all involved. I am just trying to get
3 an answer. I don't need the tone. I just want to know how
4 the evidence will come in. You've told me through the
5 lawyers from Balch and/or from Drummond executives and
6 maybe the defendants themselves. What I want to know now
7 is exactly what you are planning to offer were this
8 evidence to come in.

9 MR. ASBILL: In essence, that there was a -- you know,
10 it started in 2013. EPA sends a letter asking Drummond and
11 other companies to voluntarily participate in giving money
12 to clean up what they perceived to be pollution, what EPA
13 perceived to be pollution that we were potentially
14 responsible for. That was not the view of Drummond in
15 terms of whether or not we were responsible for anything,
16 in fact, had polluted anything. But we had to get into
17 this battle. We had to get into this Superfund site battle
18 and all of its components. So we hired a law firm to help
19 us defend against that action. And we did.

20 THE COURT: I've not heard anything yet with respect to
21 these defendants and their beliefs. That's really what I
22 want to drill down on, is the argument that's been made by
23 Mr. Sharman and others is that these defendants did not
24 believe that Drummond was liable. And so who is going to
25 bring in the evidence of their belief, and how is that

1 going to be done?

2 MR. SHARMAN: Your Honor, Jack Sharman again. I think
3 the Court asked how this might come in. And in addition to
4 the ways that Mr. Asbill identified, there were voluminous,
5 frequent, and thorough submissions to the agency by Balch &
6 Bingham and particularly led by Mr. Gilbert pointing out
7 for lots of reasons why Drummond, Balch & Bingham's client,
8 was not liable.

9 I think it will be not only obvious from those
10 documents which would be offered to witnesses who helped to
11 work on them to explain what was going on, but it would be
12 obvious from that that both Mr. Gilbert and Drummond
13 believed for many reasons that it was not liable for the
14 contamination.

15 We don't have any intention and I don't think anybody
16 in the courtroom has any intention of getting into a toxic
17 tort case with lots of science, getting into a Superfund
18 trial. I've had two in my career, and I earnestly do not
19 want a third.

20 But it will be not only obvious what the defendants'
21 and certainly Mr. Gilbert's belief was, but, Your Honor, I
22 believe it will be impossible for anyone, including the
23 government, despite what they say, to discuss it
24 coherently.

25 This evidence goes to intent. It goes to motive. It

1 goes to the acceptability of what was going on.

2 Everything that Mr. Gilbert and his co-defendants did
3 was either a reaction to or something in anticipation of an
4 act by the agency. And if we are deprived of the ability
5 to explain the reaction, part of which, as a commonsense
6 matter, is one's belief about what you're doing, we will
7 not have the opportunity to put on a meaningful defense.

8 THE COURT: All right. Thank you both. Mr. Ward,
9 thank you as well.

10 Given what the indictment says and to be fair to the
11 defendants but also to make sure that I rein things in, we
12 will streamline this. It's not going to involve a
13 significant amount of documents, but to the extent that the
14 government is going to argue that the defendants are
15 motivated in part by saving Drummond from a potential
16 millions in dollars of liability, then I will allow some
17 evidence to come in that either these defendants -- well,
18 yeah, through these defendants that they took the view on
19 behalf of their client that their client was not liable.

20 I don't think we need to get into the specifics of what
21 the letters say, although some of them need to come in, but
22 we're not going to get into a heated argument. All I will
23 need as part of the contextual background information is
24 that the EPA took position X. The defendants disagree on
25 behalf of their client.

1 So, Mr. Sharman, yes, in your opening statements, you
2 are free to say -- because I suspect the government in
3 their opening will say, consistent with the indictment,
4 that the motivation here -- I still don't know how all of
5 this will -- but that's for the jury to decide, as one of
6 you pointed out. But in your opening, you're free to say
7 your client -- and same for other defendants -- did not
8 believe -- or disagreed with the EPA's actions. Or maybe
9 "disagreed" is probably not the best term to say that in
10 addition to disagreeing, that you guys believed and
11 submitted evidence to the EPA showing that your clients
12 were not liable for the alleged contamination.

13 Anything that I need to clarify for anyone?

14 MR. SHARMAN: Thank you, Your Honor.

15 MR. WARD: No, Your Honor.

16 (Pause.)

17 THE COURT: For the lawyers, why don't we take a quick
18 break if you guys need it. The jurors are on their way up.
19 Take five minutes.

20 (Recess.)

21 THE COURT: Mr. Martin?

22 MR. MARTIN: Judge, we have just been provided the list
23 of potential jurors. I notice that Juror Number 12 is
24 employed at Balch & Bingham. And we would move ahead of
25 time before voir dire to strike her for cause.

1 THE COURT: Any objections from the defendants? That's
2 Juror Number 12, who is a legal assistant at Balch?

3 MR. GILLEN: You're asking to use one of your strikes?

4 MR. MARTIN: No, we're asking to strike her for cause.

5 MR. GILLEN: Well, we would object to that, Your Honor.
6 Craig Gillen on behalf of Mr. McKinney.

7 Balch is not a defendant in this case. The government
8 has listed many, many witnesses from Balch that they will
9 be calling in their case in chief. There is no reason that
10 I am aware of that the juror would be legally impaired from
11 serving on the jury. If the government wants to use their
12 strike, then they can use their strike. But we oppose to
13 have the strike of the juror for cause simply because she
14 is a member of Balch.

15 THE COURT: All right. I'll tell you what. I think we
16 will all -- this is going to be an interesting case because
17 if we can't even agree on something that's just basic --

18 But, Mr. Martin, once the juror comes in, then why
19 don't you question her as part of your voir dire and then
20 raise the issue again when you have evidence to support
21 your contention that a reason exists for her to be stricken
22 for cause.

23 MR. MARTIN: Yes, Your Honor.

24 (The following proceedings were had in open court in the
25 presence and hearing of the venire.)

1 THE COURT: Good morning, everyone.

2 Members of the jury or the prospective jurors, I
3 apologize for being so far removed from you. There are a
4 lot of you. In fact, there are 58 of you. And this is the
5 biggest courtroom that we have to accommodate all the
6 parties. But it means that it's a great distance between
7 you and me.

8 Ms. Mark, is the government ready?

9 MS. MARK: We are, Your Honor.

10 THE COURT: Mr. Essig, Mr. Bloomston, and Mr. McKnight,
11 are the defendants ready?

12 MR. ESSIG: We are, Your Honor.

13 MR. BLOOMSTON: Yes, Your Honor.

14 MR. McKNIGHT: Yes, sir, Your Honor.

15 THE COURT: Thank you, all.

16 Ladies and gentlemen of the jury, we are calling for
17 trial at this time the case of the United States against
18 Joel Iverson Gilbert, Steven George McKinney, and David
19 Lynn Roberson.

20 The defendants are charged in this case in a six-count
21 indictment. I'm not going to go into great details of what
22 the charges are. I will do so later for those of you who
23 are selected as jurors. But, basically, the charges are
24 conspiracy, bribery, honest services wire fraud, and money
25 laundering.

1 The defendants have each entered a plea of not guilty
2 to these charges. I want you to understand that the mere
3 fact that the defendants are charged with these offenses
4 does not in any way mean that they are guilty. On the
5 contrary, the defendants come to this trial presumed to be
6 innocent. It is the burden of the government to prove each
7 of their guilt before the government will be entitled to a
8 verdict of guilty.

9 Ladies and gentlemen, we are about to begin what we
10 call in the law the voir dire process. Loosely translated,
11 it means to inquire or to speak the truth.

12 As you can surmise, it means in this part of the case,
13 you are going to be asked a series of questions. It is
14 extremely important that you answer all of the questions
15 fully and completely. We are simply trying to attempt to
16 ascertain each of your characteristics and your feelings so
17 that the fairest and most impartial group of you can be
18 selected to try this case.

19 Before we begin, we're going to give each of you a
20 chance to tell us a little bit about yourselves. We will
21 start with Juror Number 1. Just spend two to three minutes
22 giving us the information that's on the sheet of paper that
23 you have, and then we will go all the way down to Juror
24 Number 8.

25 Please remember to use your juror numbers. And for

1 those of you who are married, please tell us your spouse's
2 first name only, no last name, please.

3 Juror Number 1, you may start us off.

4 JUROR NUMBER 1: I'm Juror Number 1. I live in the
5 City of Birmingham in Jefferson County. I work for the
6 Jefferson County Commission. My duties include checking
7 and verifying all the incoming title mail coming from out
8 of state. I have been there for 20 years.

9 I have some college that I took at Jefferson State
10 Community College. I have a degree in accounting.

11 I am single.

12 I have never been in a party in a lawsuit. I have
13 never been a witness in a lawsuit. I was a juror on a case
14 that was an insurance claim. It was found in the favor of
15 the -- I can't think of --

16 THE COURT: The plaintiff or defendant? If you
17 remember, that is, sir.

18 JUROR NUMBER 1: The person that was suing won.

19 THE COURT: Okay.

20 JUROR NUMBER 1: I don't really have a whole lot of
21 hobbies or interests. I don't have any bumper stickers on
22 my car. I'm not a member of any organizations.

23 I do have a Facebook account. And I don't regularly
24 read any blogs.

25 THE COURT: Number 1, thank you very much. Please give

1 the microphone to Juror Number 2.

2 JUROR NUMBER 2: Hi. I'm Juror Number 2. I live in
3 Calera, in Shelby County. I work for Allstate Insurance,
4 and I am a represented litigated adjuster for bodily
5 injury, and I've been there for 16 years. I have some
6 college at Jefferson State Community College.

7 My husband Adam works for Cook's Pest Control.

8 I had some small claims court where I've had medical
9 bill disputes that were solved before they were seen before
10 the judge. I've never been a witness in a lawsuit. And I
11 did serve on the grand jury in Shelby County.

12 My family and I like to camp, just do regular family
13 things. I don't have a bumper sticker on my car. I'm not
14 a member of an organization.

15 I have a Facebook account. And I do not read any
16 blogs.

17 THE COURT: Thank you.

18 Number 3.

19 JUROR NUMBER 3: I'm Juror Number 3. I live in
20 Bessemer, Jefferson County. I'm retired. I worked at
21 U.S. Steel for 5 years prior to that and 33 years at
22 U.S. Pipe prior to that. I was an electronic technician.
23 I have a degree, an associate's degree in electronics.

24 I'm divorced. She works at U.S. Pipe.


25 I've never experienced a lawsuit. I've never witnessed

1 one. I've never been a juror. I love the water, and I
2 love to read. I have no bumper stickers. I'm a member of
3 the NRA, and I have been a member of the IBEW most of my
4 life.

5 I do have a Facebook account, and I do not read any
6 blogs.

7 THE COURT: Number 4, thank you very much. Number 3.
8 I'm sorry.

9 Juror Number 4.

10 JUROR NUMBER 4: Yeah, Juror Number 4. 
11 City, Birmingham. County, Jefferson. My employment is
12 with United Healthcare Insurance Company for 24 years. I'm
13 currently in benefits and contracts. Education, some at
14 the University of Alabama.

15 I am single.

16 I have no experience as a party in a lawsuit or as a
17 witness and no experience as a juror. Hobbies are music
18 and reading. I have no bumper sticker on my car. No
19 membership in organizations.

20 I do have a Facebook page. And I do not really read
21 any specific blogs.

22 THE COURT: Number 4, thank you.

23 Juror Number 5.

24 JUROR NUMBER 5: Hello. I'm Juror Number 5. I live in
25 Crestline Park, which is in Jefferson County. My work

1 experience has been with Amerex Corporation for the last
2 five years. I'm a regional sales manager. I cover four
3 states. Education, University of Alabama. I spent some
4 time there. Currently working on my online business
5 degree.

6 Spouse's name is Lindsey. She's an admin assistant at
7 an accounting firm.

8 No experience in lawsuits. No experience as a witness.
9 No experience as a juror. My hobbies and interests include
10 sports, golf, and the outdoors. I have no bumper stickers.
11 I am a member of Mountain Brook Community Church. I'm also
12 a member of Kiwanis.

13 I have a Facebook. I have got an Instagram. I had a
14 Twitter account back in my younger years and since have not
15 tweeted. I do read blogs, mostly for recruiting for
16 football.

17 THE COURT: Thank you.

18 Number 6.

19 JUROR NUMBER 6: Hi. I'm Juror Number 6. I live in
20 Remlap in Blount County. I work for a company called
21 MedAssist, which is a computer system vendor for medical
22 software. I manage the software and installation
23 department. I've been with them for 24 years, so I wear
24 many hats there. I have some college at Jefferson State
25 Community College.

1 I'm divorced. My ex-spouse, his name is Dennis, and he
2 was in construction.

3 I don't have any experience as a party in a lawsuit or
4 as a witness in a lawsuit. I've never been a juror. My
5 hobbies are playing with my grandchildren, genealogy, and
6 yard work. I do not have any bumper stickers. I'm not in
7 any membership or no organization.

8 I do have a Facebook, an Instagram, and I have a
9 Twitter that I mainly use for my work. And I do not read
10 any blogs.

11 THE COURT: Thank you, ma'am. Would you pass the
12 microphone down to the wall for Number 7, please?

13 JUROR NUMBER 7: Hello. I'm Juror Number 7. I live in
14 the City of McCalla in Jefferson County. I work for
15 Mercedes-Benz International. My duties are production
16 manager. Been there for 22 years. I have a high school
17 education.

18 Spouse's name is Tamika.

19 I have no experience as a party in a lawsuit, no
20 experience as a witness in a lawsuit. I have never been a
21 juror. Hobbies and interests, mechanicing, drag racing,
22 fishing. I do not have a bumper sticker. I'm not a member
23 of any organization.

24 I do not have a Facebook account. I do have an
25 Instagram account. And I do not regularly read blogs.

1 THE COURT: Thank you, sir.

2 Number 8.

3 JUROR NUMBER 8: I am Juror Number 8. I live in Hoover
4 in Jefferson County. I work for Birmingham City Schools.
5 I've worked as a teacher for 33 years. I do have a
6 bachelor of arts from UAB.

7 My husband's name is Jeff. He works for EBSCO.

8 I have no experience as a party in a lawsuit. I have
9 been a witness in family court for a custody case. I have
10 been a juror before in a criminal case, and the defendant
11 was found not guilty. My hobby is I love to read. I do
12 not have any bumper stickers on my car. I do belong to the
13 Alabama Education Association.

14 I do not have Facebook or Twitter, and I do not read
15 any blogs.

16 THE COURT: Number 8, thank you.

17 Number 9.

18 JUROR NUMBER 9: I'm Juror Number 9. I live in
19 unincorporated Jefferson County. I've worked the last
20 three years as a preschool aide. I graduated from Samford
21 with a degree in marketing.

22 My husband is Robert. He's retired military. He's
23 presently looking for his next chapter in life.

24 We have had a little bit of experience where we had a
25 rental house, and we were plaintiffs for a couple that did

1 not pay their rent and left extensive damages. And it was
2 awarded in our favor. No experience as a witness. No
3 experience as a juror. I like to read. I like to cook. I
4 don't have any bumper stickers on my car. No
5 organizations.

6 I do have a Facebook account, and I don't read any
7 blogs.

8 THE COURT: Number 9, thank you very much.

9 Juror Number 10.

10 JUROR NUMBER 10: Hi. I'm Juror Number 10. I live in
11 Bessemer. I teach at Calera Elementary School. I'm a
12 physical education teacher. I've been there 13 years. My
13 duties at work are teaching 740 students every day. I have
14 a degree in physical education from Iowa Wesleyan College
15 in Iowa.

16 I am married to Tony. He does corporate security for
17 Regions Bank in technology.

18 I have not had experience in a lawsuit or as a witness.
19 I have never been a juror. My hobbies are camping with my
20 four daughters, riding Harley motorcycles, kayaking. I do
21 not have a bumper sticker. I am a member of ACOE, which is
22 a teachers' association, ASIFR National, Alabama Wildlife
23 Federation.

24 And I have a Facebook account, and I do not read any
25 blogs.

1 THE COURT: Number 10, thank you very much.

2 Juror Number 11.

3 JUROR NUMBER 11: I'm Juror Number 11. I live in
4 Vestavia, Alabama. I'm a retired fireman. I worked at
5 Center Point as a captain there, a lieutenant at Homewood.
6 I worked a short period at Jefferson County Sheriff's
7 Department. I now work for a company called MES. I sell
8 rescue tools. I have a BS degree in homeland
9 security/public safety.

10 I'm divorced.

11 No experience in a lawsuit. No experience as a
12 witness. Never been a juror. My hobbies are hunting and
13 fishing. No bumper sticker. No membership of any
14 organization.

15 I do have a Facebook and a Twitter. And I do not read
16 blogs.

17 THE COURT: Thank you, sir.

18 Juror Number 12.

19 JUROR NUMBER 12: I'm Juror Number 12. I live in
20 Warrior. I work at Balch & Bingham law firm as a legal
21 assistant. I've been there 18 years. I do not have a
22 college degree.

23 I am divorced. My ex works at Serra Toyota.

24 I do not have any experience as a party or a witness in
25 a lawsuit. I was a juror in a criminal case, and the

1 defendant was found guilty. My hobbies are anything
2 related to my six grandchildren. I do not have any bumper
3 stickers. I'm not a member of any organization.

4 I do have a Facebook. And I do not read any blogs.

5 THE COURT: Number 12, thank you. Please pass the
6 microphone down to Number 13, please.

7 Juror Number 13.

8 JUROR NUMBER 13: Hi. I'm Juror Number 13. I live in
9 Vestavia Hills, Jefferson County. I work for Kamtek Magna,
10 Incorporated. I'm a quality engineering area leader,
11 launch leader. I have been there for seven years. I have
12 some college from McKendree College in Lebanon, Illinois,
13 went for business.

14 I am single.

15 I have no experience in a party lawsuit, no experience
16 as a witness. Never been on a jury. Hobbies are reading
17 and cooking and hiking. I have no bumper stickers on my
18 car. I am a member of the American Society of Quality.

19 I do have a Facebook, and I do not read blogs.

20 THE COURT: Thank you.

21 Number 14.

22 JUROR NUMBER 14: Hi. I'm Juror Number 14. I live in
23 Mountain Brook, Jefferson County. I am retired. It will
24 be a year in August. Before that, I was 17 years with
25 Havertys Furniture. I went one year to Jacksonville State

1 College.

2 My husband is Bob. He's a project manager at UAB.

3 I have not had any experience as a witness in a lawsuit
4 or as a party in a lawsuit. No experience as a juror. I
5 love to visit art exhibits, travel, stained glass, few
6 other things. I have no bumper stickers on my car except
7 an Alabama tag. No membership in organizations except
8 AARP.

9 I do have a Facebook account, but I don't read any
10 blogs.

11 THE COURT: Thank you.

12 Juror Number 15.

13 JUROR NUMBER 15: Hi. I'm Juror Number 15. I live in
14 Montevallo in the county of Shelby County. For the past
15 five years, I was a school bus driver. I retired last
16 year, but I went back this year as a sub for the Shelby
17 County Board of Education. My duty was driving a school
18 bus. I've been there for 15 years. I have high school
19 education.

20 I am single.

21 I don't have any experience in a lawsuit or a witness
22 in a lawsuit. I've never been a juror. My hobbies are
23 cooking, gardening, and taking time with my grandchildren.
24 I don't have a bumper sticker. No organization.

25 No Facebook. And I don't read blogs.

1 THE COURT: Thank you, ma'am.

2 Juror Number 16.

3 JUROR NUMBER 16: Hi. I'm Juror Number 16. I live in
4 Gardendale in Jefferson County. Within the last five
5 years, I've had two different jobs, one from 2012 to 2015
6 as a full-time stay-at-home mom at Big Oak Girls Ranch in
7 Springville, Alabama, and then went back to be an
8 elementary early childhood teacher in Blount County at
9 Hayden Elementary. I teach third grade there now. This
10 will be my ninth year there. My education is from UAB in
11 early childhood elementary. I have a bachelor's degree.

12 My husband's name is Chad, and he works in a cabinet
13 shop.

14 I was in a lawsuit over 10 years ago about a car
15 accident as the defendant, and it was found in my favor.
16 I've never been a juror or a witness in a lawsuit. My
17 hobbies are cooking and reading. I do not have a bumper
18 sticker on my car. I'm a member of Gardendale First
19 Baptist Church.

20 I have a Facebook page, and I do not regularly read
21 blogs.

22 THE COURT: Thank you.

23 Number 17.

24 JUROR NUMBER 17: Juror Number 17. I live in
25 Birmingham in Jefferson County. I work at St. Vincent's

1 East Hospital in the clinical laboratory, the microbiology
2 department. I've worked there about 10 years. I have an
3 associate's degree from Jeff State.

4 My husband's name is Jerry, and he does industrial
5 testing.

6 I've never been in a lawsuit, never a witness in a
7 lawsuit. I have been a juror a couple of times. One, the
8 first one, was a criminal case, and it was a split
9 decision. There were several charges. It was a split
10 decision. The second one was a civil case, and it was
11 found for the plaintiff. My hobbies are I really like old
12 movies. I like to cook. I do not have any bumper
13 stickers. I'm a member of the Association of Clinical
14 Pathologists, which is work related.

15 I do have a Facebook and a Twitter, but I don't use
16 either one very often, and I don't read blogs.

17 THE COURT: Thank you.

18 Let's go to Number 18, please.

19 JUROR NUMBER 18: Yeah, I'm Juror 18. I live in
20 Alabaster in Shelby County. I work for Barb's Cakes, which
21 is wedding industry related. I also am a regular
22 substitute teacher at a private school in Alabaster. I
23 have a bachelor of science degree in education from
24 Mississippi State. I'm certified in Texas and in Alabama
25 in elementary and early childhood.

1 My husband is in sales. His name is Ernest.

2 I've never been a participant in a lawsuit, either
3 party or witness. Never served on a jury. I like to
4 flower garden and watch movies. No bumper sticker on the
5 car. No organizations.

6 I do have social media accounts. And I read wedding
7 industry and cooking blogs.

8 THE COURT: Thank you, ma'am. Can you pass the
9 microphone down to Juror Number 19, please?

10 JUROR NUMBER 19: Yes. I'm Juror 19. I'm from Bluff
11 Park in Jefferson County. I work for a company called EBZ
12 Systec as a controls engineer. Been there since October of
13 2013. I went to Shelton State Community College. No
14 degree.

15 I have a long-time girlfriend, Lisa. She works at
16 ACIPCO as a process engineer.

17 I have never had any experience as a party in a
18 lawsuit, nor have I been a witness. I have also never been
19 a juror. My hobbies are amateur sports car racing and the
20 outdoors. I have no bumper stickers on my car. I'm with
21 the Jefferson County Republican Executive Committee.

22 I have Facebook, Twitter, and Instagram, and I do not
23 read regularly any blogs.

24 THE COURT: Number 19, thank you.

25 Juror Number 20.

1 JUROR NUMBER 20: I'm Juror Number 20. I live in
2 Gardendale in Jefferson County. I work at Walmart as an
3 optician. I've been there for 12 years. Some college at
4 Jeff State Community College.

5 Single.

6 Never participated in a lawsuit, a party in a lawsuit.
7 Never a witness and never a juror. My hobbies are
8 traveling and spending time with my kids. I do not have a
9 bumper sticker. I'm not a member of an organization.

10 I have Facebook, Snapchat, and Instagram, and I do not
11 read any blogs.

12 THE COURT: Number 20, thank you very much.

13 Juror Number 21.

14 JUROR NUMBER 21: I'm Number 21. I live in Birmingham
15 in Jefferson County. I'm self-employed. I do residential
16 design work, and I also teach piano lessons. I've been
17 doing that forever, for 48 years, split between piano at
18 the beginning and then design work. I went to Converse
19 College. I got a bachelor of music in piano performance
20 and a minor in cello.

21 My former spouse is a realtor.

22 I have no experience in a lawsuit, never been a
23 witness, never been on a jury. My interests are classical
24 music, floral design, painting, gardening, all the, I guess
25 you'd say, sewing, homemade stuff. I don't have a bumper

1 sticker. I'm a member of the Cathedral Church of the
2 Advent and Black Warrior Riverkeepers.

3 I do read blogs. Do you want to know all the blogs I'm
4 on to? And I have Twitter and a Facebook account. Do
5 y'all want to know about the blogs or just let it go?

6 THE COURT: They will follow up. Thank you, Number 21.
7 Juror Number 22.

8 JUROR NUMBER 22: I'm Juror Number 22. I live in
9 Pelham in Shelby County. I am retired. Before retirement,
10 I served for 40 years in Asia with the International
11 Mission Board, Southern Baptist Convention. I received a
12 bachelor of arts degree from Mississippi College, New
13 Orleans Baptist Theological Seminary, a master of divinity.

14 My spouse served with me for those 40 years in Asia.

15 Never been a party to a lawsuit or a witness in a
16 lawsuit. Never had any experience as a juror. My hobbies
17 include dabbling with computers, reading, and music. I
18 don't have a bumper sticker on my car. I'm a member of
19 Hunter Street Baptist Church.

20 Not associated with Facebook. My wife is, but not me.
21 And I do not read blogs.

22 THE COURT: Thank you.
23 Number 23.

24 JUROR NUMBER 23: Hi. I'm Juror Number 23. I live in
25 Alabaster, Shelby County. I work for Covenant Classical

1 School as a preschool teacher. I've been there for 13
2 years. I am a high school graduate.

3 My husband Jacob is a coal miner.

4 I had a personal injury lawsuit that was settled
5 outside of court. I have no experience witness in a
6 lawsuit. I've never been a juror. My hobbies are being a
7 full-time mom and whatever my kids like to do. I do not
8 have a bumper sticker. I am not a member of an
9 organization.

10 I have a Facebook, and I do not read blogs.

11 THE COURT: Thank you.

12 Number 24.

13 JUROR NUMBER 24: Juror Number 24. I live in Adger,
14 Alabama, Jefferson County. Had a paint and body shop here
15 in Birmingham. I did not go to college.

16 Divorced. She was a hairdresser.

17 Haven't had no experiences in lawsuits, no experience
18 as a juror. Like to hunt and fish. No bumper stickers.
19 No membership in organizations.

20 I have Facebook. No blogs.

21 THE COURT: Thank you, sir. Would you pass the
22 microphone to the row behind you.

23 Number 25, please.

24 JUROR NUMBER 25: I'm juror Number 25. I've been
25 working at Publix for the past four years. I have some

1 college at Lawson.

2 I'm single.

3 I have no experience in any party or witness in any
4 lawsuit. Never been a juror. Hobbies are swimming. No
5 bumper stickers. No member of any organizations.

6 I have Facebook, Snapchat, and Instagram. No blogs.

7 THE COURT: Thank you, sir.

8 Number 26.

9 JUROR NUMBER 26: Good afternoon. I'm Juror Number 26.
10 I stay in Birmingham, Alabama, Jefferson County. I am an
11 office manager at Liberty Tax, been there since 2013. My
12 education is an associate's in business from Brown Mackie.

13 I'm divorced. Ex-spouse's name is Anthony. He's an IT
14 supervisor at UAB.

15 I don't have any experience as a party in a lawsuit. I
16 have never been a witness in a lawsuit, never been a juror.
17 My hobbies are party planning, anything DIY. I create
18 balloon column centerpieces, wreaths, anything I can put my
19 hands on. You name it. I don't have a bumper sticker. I
20 am not a member of an organization.

21 I do have Facebook only, and I do not read any blogs.

22 THE COURT: Number 26, thank you.

23 Juror Number 27.

24 JUROR NUMBER 27: Juror 27. I live in Mountain Brook,
25 Jefferson County. Before I quit work last year, I was

1 employed by TRO Jung Brannen. I was their office manager
2 for 18 years. I have some college at Jeff State.

3 My husband's name is Abe. He works as a sales
4 executive.

5 My husband was a party in a civil lawsuit where I was a
6 witness. I have never been a juror. My hobbies are our
7 grandchildren, our dogs, DAR, genealogy. I have bumper
8 stickers, Jam High Tots, DAR, and Thank a Veteran. I'm a
9 member of DAR, Temple Beth-El Sisterhood.

10 I do have a Facebook account, and I do not read blogs
11 regularly.

12 THE COURT: Thank you.

13 Juror Number 28.

14 JUROR NUMBER 28: My name is [REDACTED]. I stay in
15 Center Point, which is Jefferson County. Finished high
16 school. No experience in lawsuits. No experience as a
17 witness, not as a juror. No bumper stickers. No
18 organizations.

19 Do not have a Facebook, do not tweet, do not read
20 blogs.

21 THE COURT: Thank you, Number 28.

22 Juror Number 29.

23 JUROR NUMBER 29: Juror 29. Birmingham in Jefferson
24 County. Retired warehouse manager from Stacy Williams.
25 Education, associate's degree in accounting from Lawson

1 State.

2 Spouse, Val, married 42 years. She's retired.

3 No experience in a lawsuit. No experience as a witness
4 in a lawsuit. I have been a juror. My hobbies are
5 watching and attending sporting events, all sporting
6 events. Do not have a bumper sticker. Membership, I am a
7 member of Faith Chapel Christian Center.

8 No Facebook. And I do not read blogs.

9 THE COURT: Number 29, your prior jury service,
10 criminal case or civil case?

11 JUROR NUMBER 29: Criminal.

12 THE COURT: Do you remember if the defendant was
13 convicted or exonerated?

14 JUROR NUMBER 29: I can't remember. It's been about 30
15 years ago.

16 THE COURT: Okay. Thank you.

17 Number 30.

18 JUROR NUMBER 30: I'm Juror Number 30. I'm from Hoover
19 in Jefferson County. For the past 10 years I've been a
20 Hoover school bus driver, and I just recently retired. I'm
21 a graduate of Texas Christian University and the University
22 of Alabama.

23 My husband Scott is retired. He was a mechanical
24 engineer.

25 I have never been a party in a lawsuit or a witness in

1 a lawsuit or a juror. My hobbies are reading and
2 traveling. No bumper stickers. I'm a member of AEA and
3 St. Mark United Methodist Church.

4 I do have a Facebook account, and I don't read blogs.

5 THE COURT: Thank you.

6 Please, ladies and gentlemen, it's 10 after noon. We
7 have roughly 28 more of you to go through. We started at
8 11:40, and so it's taken us about 30 minutes to do 30 of
9 you. So I think we can use the rest of the time for the
10 second group. So I would like to go until 12:30 before I
11 give you guys a break for lunch. Any objections from
12 anyone? Just raise your hand.

13 Seeing no objections, let me move on to Juror Number
14 31, please.

15 JUROR NUMBER 31: Juror Number 31. I live in
16 Montevallo, Shelby County, Alabama. I work at BlueCross
17 BlueShield of Alabama. My duties include out-of-state
18 inpatient precertification for medical necessity. I've
19 been there 12 years. My education is at Lawson State
20 Community College, and I have an associate's degree in
21 nursing. And I also went to Faulkner University. I have a
22 bachelor of business degree.

23 My ex-spouse is Gizel, and he works at Birmingham
24 International Airport.

25 I have no experience in a lawsuit nor a witness in a

1 lawsuit. I did serve as a juror. It was a criminal case,
2 I believe. The favor was for the defendant. And my
3 hobbies include traveling, cooking, listening to music, and
4 learning to play a base guitar. And I don't have a bumper
5 sticker on my car. I don't -- not a member of organization
6 or do I have -- nor do I have Facebook or Twitter account.
7 And I do not read blogs.

8 THE COURT: Thank you.

9 Juror Number 32.

10 JUROR NUMBER 32: I'm Juror 32. I live in Mountain
11 Brook in Jefferson County. I'm a public finance lawyer at
12 Maynard Cooper. I've been there since January. Prior to
13 that, I was at Balch & Bingham. I have a BA in economics
14 from Birmingham-Southern and a JD from Yale.

15 My wife's name is Lisa. She's not employed outside the
16 home.

17 Never been a party to a lawsuit. I've never been a
18 witness in a lawsuit, although I have been deposed once.
19 I've been a juror twice. Once in a criminal case. It was
20 a carjacking resulting in a conviction. And in a civil
21 case, it was a car wreck resulting in a judgment for the
22 defendants. Hobbies are running, biking, travel, and
23 reading. No bumper sticker. Organizations, a number of
24 organizations relating to work as a lawyer. In addition to
25 that, Kiwanis Club of Birmingham and Mountain Brook City

1 Schools Foundation. I'm a director of both. Kirkwood
2 Board of Directors and Independent Presbyterian Church.

3 I have a Facebook page. And I read lots of blogs
4 relating to sports, politics, and travel.

5 THE COURT: Number 32, thank you.

6 Juror Number 33.

7 JUROR NUMBER 33: Juror Number 33. I live in Vestavia
8 Hills in Jefferson County. I am a health coach. I own my
9 own health and wellness company. I have four employees.
10 I've been doing that for six years. I'm also a distributor
11 for an essential oil company. I have graduated from high
12 school. I've had four years at the University of Alabama
13 at Birmingham. I didn't graduate because of pregnancy
14 complications.

15 My spouse's name is Les, and he is my business partner.

16 I've never been in a lawsuit. I have never been a
17 witness in a lawsuit or a juror. I play tennis, and I love
18 to spend time with my two girls and my husband and we love
19 to travel. I don't have any bumper stickers. I'm a member
20 of Church of the Highlands.

21 And I do have Facebook, Twitter, Instagram, and
22 Pinterest. And I don't read blogs.

23 THE COURT: Thank you.

24 Juror Number 34.

25 JUROR NUMBER 34: I'm juror Number 34. I live in

1 unincorporated Shelby County. I work for DST as a manager
2 of BPO operations. Prior to that, I worked for FIS as a
3 professional services manager. I'm also a retired colonel
4 from the Army Reserves. Education, master's of business
5 administration from Samford University and bachelor's
6 degree in business from the University of Alabama.

7 Spouse's name is Christy, and she is a high school
8 principal.

9 I have not been a party to a lawsuit. I have been
10 deposed as a part of a lawsuit. And I've also been a
11 witness in a military trial. I do not have experience as a
12 juror. Hobbies, hunting, fishing, boating, shooting. I do
13 not have a bumper sticker. I'm a member of Christ Church
14 United Methodist and a member of the NRA.

15 I do have a Facebook page, a Twitter account, and I do
16 not read blogs.

17 THE COURT: Number 34, thank you.

18 Number 35.

19 JUROR NUMBER 35: I'm Juror Number 35. I live in
20 Irondale in Jefferson County. I retired after 32 years
21 with the State of Alabama. I was a social work supervisor.
22 And I have a bachelor's degree from Jacksonville State.

23 My husband Lawrence retired from CSX Railroad.

24 I have been a party in a lawsuit. We have a teenager
25 who was involved in a car accident years ago, and that case

1 ended up being settled. I have been a witness in cases
2 related to my former employment. I've been summoned for
3 jury duty but usually struck. And my hobbies are cooking,
4 sewing, decorating, genealogy. And I don't have any bumper
5 stickers on my car. I'm a member of Baptist faith.

6 I do not have Facebook, Twitter accounts. I think I am
7 on classmates.com, but I don't read blogs regularly.

8 THE COURT: Thank you, ma'am.

9 Number 36.

10 JUROR NUMBER 36: I'm Juror 36. I'm from Hayden in
11 Blount County. I'm unemployed now, but my last job, I
12 worked at Imaging Business Machines, LLC. I operated a
13 forklift and a couple different pieces of machinery. I
14 worked there for two years. I'm currently a student at
15 Wallace State Community College, and I'm majoring in
16 business administration.

17 I'm not married.

18 I've never had any experience as a party in a lawsuit
19 or as a witness. I don't have any experience as a juror
20 other than being summoned and then not selected. My
21 hobbies, I like watching sports, playing video games,
22 keeping up with politics, and researching my family
23 history. I don't have any bumper stickers. I'm a member
24 at Gardendale First Baptist Church.

25 I don't have any social media. And I read a website

1 related to college sports.

2 THE COURT: Thank you, sir. Pass the microphone down
3 to the aisle.

4 Number 37, you may begin once you get the microphone.

5 JUROR NUMBER 37: I'm Juror Number 37. I live in the
6 town of Morris in Jefferson County. I work for Birmingham
7 Coca-Cola Bottling Company. I'm in sales support. I've
8 been there with Coca-Cola for 29 years. I have a high
9 school education.

10 My wife's name is Stacy. She works for Noland Health
11 Services in human resources.

12 I have no experience as a party in a lawsuit, no
13 experience as a witness in a lawsuit. I was -- do have
14 experience as a juror. And it was a civil matter, and we
15 found for the plaintiff. My hobbies include hunting and
16 fishing. I have no bumper stickers. Organizations, I'm a
17 member of Enon Baptist Church where I serve as a deacon.

18 I have no Facebook page, and I do not regularly read
19 blogs.

20 THE COURT: 37, thank you very much.

21 Juror Number 38.

22 JUROR NUMBER 38: I'm Juror Number 38. I'm from
23 Hueytown in Jefferson County. I was working at G&G
24 Interior Design as an assistant interior designer, and then
25 I presently work at NeedCo as a kitchen and bath designer.

1 I went to Shelton for transfer studies and then the
2 University of Alabama for interior design.

3 My fiancé, Austin, is a home-builder superintendent for
4 DR Horton.

5 I've never been a party in a lawsuit, a witness, or a
6 juror. My hobbies include decorating, party planning, and
7 hanging out with friends and family. I have a University
8 of Alabama bumper sticker. I'm a member at North Highlands
9 Baptist Church. I'm a member of ASID, which is interior
10 design stuff, and I'm a UA alumni.

11 I do have a Facebook, Twitter, Instagram, Snapchat, all
12 that kind of stuff. And I do regularly read blogs. And I
13 read interior design, kitchen and bath, wedding planning,
14 cooking and co-parenting stuff.

15 THE COURT: Thank you.

16 Number 39.

17 JUROR NUMBER 39: I am Juror Number 39, and I am from
18 the Oak Mountain area of Shelby County.

19 After 18 years of being a stay-at-home mom, I went back
20 to work 3 years ago at Cheaha Regional Mental Health Center
21 as a child and adolescent therapist. I did counseling on
22 all different levels. I then returned -- I left there once
23 they merged with AltaPointe Health Systems and went and was
24 employed by Shelby County as a school counselor, and I
25 worked at Shelby Elementary School and Wilsonville

1 Elementary School.

2 And then in an effort to try to get my certification
3 completed or be eligible for certification, I have spent
4 the last year working as -- finishing out a maternity leave
5 for three different counselors with Helena Intermediate,
6 Chelsea Park Elementary, and Forest Oaks Elementary. So
7 I've completed that. I'm searching for a job now, and I'm
8 hoping to get one before the fall because I need a job.

9 So let's see. My degrees are I have a psychology
10 bachelor's from Auburn University. I have a master's in
11 counseling from University of South Alabama.

12 My husband's name is Patrick. He's in management in
13 the restaurant industry.

14 I have no experience in a lawsuit, as a witness, in a
15 party of a lawsuit, as a juror. My hobbies are just pretty
16 much spending time with my family and husband. I don't
17 have a bumper sticker. And I'm a member of the Church of
18 the Highlands.

19 I do have Facebook. I maintain a Twitter just for
20 school to contact us. And I do not regularly read blogs.

21 THE COURT: Thank you very much.

22 Juror Number 40.

23 JUROR NUMBER 40: Juror Number 40. Helena, Shelby
24 County. Last six years I've been the lead pastor at
25 Crossroad Baptist Church. Education from UAB. I have a

1 bachelor's in psychology.

2 Spouse's name is Stephanie. She works in marketing.

3 No experience as a party in a lawsuit. No experience
4 as a witness in a lawsuit or as a juror. My hobbies are my
5 family, golf, all things sports. No bumper sticker.

6 Member of Crossroad Baptist Church.

7 I have a Twitter and an Instagram account. And I do
8 not regularly read any blogs.

9 THE COURT: Number 40, thank you.

10 Juror Number 41.

11 JUROR NUMBER 41: I am Juror Number 41. I live in
12 Birmingham, Jefferson County. I worked for 30 years at
13 Tricon Metals. I was a receptionist, inventory control,
14 and purchasing agent. I have no college education.

15 I don't know if I can call him my spouse, but we've
16 been living together for 22 years. And he works for the
17 same company I retired from, Tricon.

18 I've never been a party to a lawsuit. Once I was a
19 witness in a lawsuit. I was a juror once. That was a
20 mother and her son suing John Deere and -- for the death of
21 the father. And it resulted in for John Deere and against
22 the family. I read -- I love to read books, and I love to
23 take care of my little dog and play with tinkering around
24 with making jewelry. I have one bumper sticker on my car
25 for the Roll Tide, Alabama. And I don't belong to any

1 organizations.

2 I do have Facebook, but I don't read blogs.

3 THE COURT: Number 41, thank you.

4 Juror Number 42.

5 JUROR NUMBER 42: Birmingham, Jefferson County.

6 Retired due to health disabilities. College education.

7 Spouse's name is Rosie, who is also retired.

8 I have no experience in party -- a party or in a
9 lawsuit, no experience as a witness in a lawsuit, no
10 experience as a juror. My hobbies are fishing,
11 woodworking, and dogs. And I have no bumper stickers. And
12 I'm a member of Tabernacle Baptist Church.

13 I do have Facebook, and I read no blogs.

14 THE COURT: Number 42, thank you very much. Please
15 pass the microphone back down to the aisle.

16 Number 43, you may begin once you're ready.

17 JUROR NUMBER 43: I'm Juror Number 43. I live in
18 Columbiana in Shelby County. I'm a fourth-grade teacher at
19 Clanton Intermediate School. I have a bachelor's of
20 science in elementary education from the University of
21 Montevallo.

22 My husband's name is Jake, and he works for Alabama
23 Power.

24 I don't have any experience as a party in a lawsuit. I
25 don't have any experience as a witness or a juror. My

1 hobbies include CrossFit, running, and reading. I do have
2 a bumper sticker, and it says "Teacher I Am." I'm a member
3 of Kingwood Christian Church.

4 I have a Facebook, a Twitter, and an Instagram. And I
5 do read blogs. They're mostly Christian and teacher.

6 THE COURT: Thank you. Number 44.

7 JUROR NUMBER 44: 44. I live in unincorporated Shelby
8 County. My first job I started one month ago as a summer
9 intern for Sav-A-Life Shelby Pregnancy Resource Center.
10 I'm the intern, so I just do whatever they tell me. And
11 I'm the sonographer's assistant. I'm a current sophomore
12 at Samford University. I'm a psych major.

13 Not married.

14 No experience in a lawsuit. Not a witness. I have not
15 been a juror, but I've been summoned four times. I like
16 music and reading. No bumper stickers. No organizations.

17 Instagram, Snapchat, and Facebook for school, and no
18 blogs.

19 THE COURT: 44, thank you.

20 Juror Number 45.

21 JUROR NUMBER 45: Number 45. I live in Vestavia Hills,
22 Jefferson County. I was in banking for 10 years with
23 SouthTrust Bank. Stay-at-home mom, and now I work at
24 Vestavia Hills City Schools as a librarian. I've done that
25 for the last seven years. I have a marketing degree from

1 Auburn University.

2 My husband is John. He is a pharmaceutical rep.

3 No experience with a lawsuit nor witness to a lawsuit.

4 I haven't been a juror. My hobbies include exercise and
5 sports spectating. No bumper stickers. I'm a member of
6 the AEA and Covenant Presbyterian Church.

7 I have Facebook and Instagram and no blogs.

8 THE COURT: Thank you, ma'am.

9 Number 46.

10 JUROR NUMBER 46: My jury number is 46. I'm living in
11 the Birmingham, Jefferson County. I'm an associate
12 professor working in the UAB for 15 years until now. My
13 duties are the research and the teaching. And I have the
14 bachelor's degree, master's degree, and doctor, PhD degree.
15 The final degree I got from the Kyushu University in Japan.
16 My major was biology.

17 And I have a family. My wife is also working at UAB as
18 a scientist.

19 About the next question, my answer is no, I don't
20 have -- until now, I don't have any experience relating to
21 the court or to the lawsuit. Also, this is my first time,
22 you know, as the juror. My hobbies are running and
23 exercise.

24 For other questions, my answer out is no, I don't have
25 any.

1 THE COURT: Thank you, sir.

2 Number 47.

3 JUROR NUMBER 47: Juror 47 from Gardendale, which is in
4 Jefferson County. Full-time student. Part-time college
5 and career leader at Sharon Heights Baptist Church. I have
6 a BA and MA in history from UAB, and I'm working on an MDiv
7 at Beeson Divinity School.

8 Soon to be engaged. I'll let you know if she says yes.

9 Experience as a party in lawsuit, no. Experience as a
10 witness in lawsuit, none. Experience as a juror, about
11 four and a half hours.

12 Hobbies and interests are really just reading and
13 sports. I have a couple of stickers on the back of my car,
14 mainly for the universities that I attended. Membership in
15 an organization, I'm a member at Sharon Heights Baptist
16 Church.

17 I do not have a Facebook, maybe an old Twitter. And I
18 do not regularly read any blogs.

19 THE COURT: Number 47, thank you.

20 Juror Number 48.

21 JUROR NUMBER 48: Hello. I'm Juror Number 48. I
22 reside in Hoover, in Jefferson County. For the last four
23 years I've worked as a medical social worker at Children's
24 of Alabama in the pediatric intensive care unit. And prior
25 to that, I was a stay-at-home mom to my twin daughters. I

1 got my bachelor's degree in mental health and human
2 services from Northern Kentucky University and my master's
3 degree in social work from Temple University in
4 Philadelphia, Pennsylvania.

5 I am divorced. My ex-spouse, Tim, is a physician at
6 UAB.

7 I have no experience as a party in lawsuit or a witness
8 in a lawsuit and no prior experience as a juror. My
9 hobbies or interests are raising my children, traveling,
10 reading, being artistic. I have never had a bumper sticker
11 on my car. I am a member of St. Peter's Catholic Church in
12 Hoover, Alabama; Alabama River Alliances; I just completed
13 a term on the board of directors for the Alabama Kidney
14 Foundation; and my children's PTA at Green Valley
15 Elementary School in Hoover.

16 I have a Facebook and Instagram account, and I do not
17 read any blogs.

18 THE COURT: 48, thank you. Would you pass the
19 microphone back to the aisle to Number 49, please.

20 JUROR NUMBER 49: Juror Number 49. I live in Oneonta
21 in Blount County. I've been retired for the last 18 years.
22 I have a high school education.

23 My husband's name is John. He's retired.

24 I have no experience as a party in a lawsuit or as a
25 witness in a lawsuit. I have had experience as a juror. I

1 served on a criminal case, and the defendant was found
2 innocent. I served on a civil case, and it was found for
3 the plaintiff. My hobbies are reading and gardening and
4 painting. I have no bumper sticker. I'm a member of the
5 Blount County Master Gardener Association.

6 I do have a Facebook page and on Instagram. No Twitter
7 and no blogs.

8 THE COURT: Thank you. Number 50.

9 JUROR NUMBER 50: I'm Juror Number 50. I am from
10 Columbiana, which is in Shelby County. I am about to start
11 my 11th year as a teacher with Shelby County Board of
12 Education. I went to the University of Montevallo, got my
13 bachelor degree in elementary education.

14 My spouse is Tommy. He is a doctor of physical therapy
15 at Coosa Valley Medical Center.

16 I have never had any party in a lawsuit or a witness in
17 a lawsuit. I have been a juror in Shelby County on a
18 criminal case, and they were found guilty. The defendant
19 was. And then hobbies are traveling, running, Alabama
20 football. I do not have any bumper stickers. I am a
21 member of the Church at Brook Hills.

22 And I do have a Facebook, and I do not regularly read
23 any blogs.

24 THE COURT: Number 50, thank you.

25 51.

1 JUROR NUMBER 51: I'm juror Number 51. I live in
2 Birmingham, Jefferson County. For the last five years I've
3 worked at Dixon Hughes Goodman, which is a public
4 accounting firm. I provide tax returns as well as tax and
5 nontax advisory services. I have a BA in accounting and a
6 master's in tax accounting, both from the University of
7 Alabama.

8 Single.

9 No experience as a party in a lawsuit, no experience as
10 a witness in a lawsuit, no experience as a juror. I like
11 running and playing guitar. I have no bumper stickers.
12 I'm a member of the AICPA, the Alabama Society of Public
13 Accountants, and YP Birmingham.

14 I do have a Facebook, and I do not read any blogs.

15 THE COURT: 51, thank you.

16 Number 52.

17 JUROR NUMBER 52: I'm Juror Number 52. I live in
18 Graysville in Jefferson County. I work for Arlington
19 Properties as a maintenance technician. Before that, I
20 worked at Douglas Cooling & Heating as a refrigeration
21 technician and a generator technician. I have an
22 associate's in refrigeration.

23 My spouse's name is A.J., and she's assistant dog
24 groomer.

25 I have no experience as a party in a lawsuit or a

1 witness or a juror. My hobbies are cooking, home brewing
2 beer, and hanging out with my son. I do have some bumper
3 stickers. One's a libertarian porcupine and a CI -- Combat
4 Infantryman's -- badge. I'm a member of the VFW and the
5 American Legion.

6 I do have a Facebook, and I regularly read political,
7 financial, and military blogs.

8 THE COURT: 52, thank you.

9 Number 53.

10 JUROR NUMBER 53: I'm Juror Number 53. I live in
11 Hoover, which is in Jefferson County. For 12 years I was a
12 litigation paralegal at Ogletree Deakins. Recently --
13 well, within the last two and a half months was hired as a
14 legal assistant at Balch & Bingham. My education is an
15 associate's degree, secretarial studies specializing in
16 medical, bachelor's from Bloomfield College in business
17 organizational management with some classes for paralegal
18 studies at Samford University.

19 My spouse's name is Dale. He is a sales executive.

20 I have no experience as a party in a lawsuit, no
21 experience as a witness in a lawsuit. This is my first
22 experience as a federal juror. Hobbies and interests
23 include genealogy, family, and decorating. I have no
24 bumper stickers on my car. I was a former member of the
25 Alabama Paralegal Association.

1 I do have a Facebook account, no Twitter. I do not
2 read blogs.

3 THE COURT: Thank you. Number 54.

4 JUROR NUMBER 54: I'm Juror Number 54. I live in
5 Montevallo, which is Shelby County. I work as a teacher
6 for Creek View. I teach third grade. This will be my 15th
7 year. I went to AUM, graduated with a bachelor's. I have
8 my master's from UWA, and I'm nationally board certified.

9 My husband is Micah. He's also a teacher and a coach.

10 My grandmother was killed, and I had to speak on behalf
11 of the grandchildren at her -- at the sentencing for that.
12 That's my experience. No experience as a juror. I like to
13 go to the beach and the pool with my kids and paint
14 furniture. I don't have any bumper stickers. I go to
15 First Baptist Church Alabaster, and I'm a member of AEA.

16 And I have Facebook and Twitter and don't read any
17 blogs.

18 THE COURT: 54, thank you. Please pass the microphone
19 down to Number 55, please.

20 JUROR NUMBER 55: I'm Juror Number 55. I live in
21 Hoover, which is in Jefferson County. I'm a pharmacist at
22 Rite Aid, which is now owned by Walgreens. I've been there
23 for 12 years. I went to Samford University, where I got my
24 degree in pharmacy.

25 My wife's name is Robin. She's a manager of a horse

1 association at Shoal Creek.

2 I have no experience as a party in a lawsuit, nor as a
3 witness in a lawsuit. I have been a juror twice. One was
4 criminal. It ended up in a hung jury. The other was
5 civil, and we sided with the plaintiff. My hobbies are
6 hunting and fishing. I get season tickets to Alabama
7 football. I have no bumper stickers. I have no
8 organizations.

9 I have a Facebook, but do not read blogs.

10 THE COURT: 55, thank you very much.

11 Number 56.

12 JUROR NUMBER 56: 56. I live in incorporated Shelby
13 County. I am a broker with Magnolia Wealth Strategies and
14 prior to that with International Care providing global
15 benefit services for those living outside their home
16 country. And graduated from Samford University then
17 attended Gordon-Conwell Theological Seminary, focus in
18 counseling.

19 My wife is Juliana. She is a physician specialized in
20 travel medicine working at Shoreland.

21 I do not have experience as a party in a lawsuit or
22 witness. I was a juror for five weeks in a case against a
23 large manufacturer. We decided in their favor. And
24 hobbies: family, friends. And I am a member of and
25 trustee of my local church. I do not have bumper stickers.

1 I do have all social media accounts.

2 THE COURT: Number 56, I think the jury service that
3 you mentioned was in a civil case?

4 JUROR NUMBER 56: Correct.

5 THE COURT: All right. Thank you.

6 Number 57.

7 JUROR NUMBER 57: I'm Juror Number 57. I live in
8 Morris in Jefferson County. Two years ago I worked at
9 Flooring America as a sales associate. And I currently
10 work at Lowe's in the flooring department as a customer
11 service associate. I have not yet gone to college.

12 I'm engaged. My fiancé Jesse works as a project
13 manager for a insurance restoration company, and he's also
14 a volunteer fireman.

15 I have never had any experience as a party in a
16 lawsuit. I have never been a witness to a lawsuit. I've
17 never had experience as a juror. My hobbies include
18 anything outside, hiking. I don't have any bumper
19 stickers. I'm not a member of any organization.

20 I do have Facebook, and I don't read blogs.

21 THE COURT: 57, thank you very much.

22 And last, but not least, Number 58, please.

23 JUROR NUMBER 58: Yes, sir. Juror Number 58. I live
24 in Hoover in Shelby County. I work for AT&T Services,
25 Incorporated, as a senior manager with 44 years of service.

1 I have a bachelor of science degree in physics from Baylor
2 University.

3 My wife Evelyn is retired.

4 I've not been a party or a witness in a lawsuit. And
5 this is my first time as a juror. My hobbies are golf and
6 music. I have a Baylor Alumni sticker on my car along with
7 an It Can Wait sticker, which is an AT&T program to
8 discourage texting while driving. I'm a member of the
9 Telephone Pioneers.

10 I have a Facebook account, and I do not regularly read
11 blogs.

12 THE COURT: Number 58, thank you. Thank you, everyone,
13 as well.

14 We're going to stop here now to give you and the
15 lawyers a break as well. Why don't you guys take 30
16 minutes and plan to come back up in time for me to begin at
17 15 after 1:00.

18 You don't know anything about the case except the brief
19 summary that I gave you. Please don't talk about it during
20 the lunch break. If anyone approaches you about this case,
21 please let me know. I don't believe anyone will, but in
22 the event anyone approaches you about it, please let me or
23 a member of my team know immediately.

24 Thank you, ladies and gentlemen of the jury. We are
25 adjourned for the next 30 minutes. I'll see you guys at

1 1:15. You are released, please. I'll keep the lawyers and
2 the parties in here for now.

3 (Lunch recess.)

4 THE COURT: Good afternoon, everyone. We will continue
5 with the jury selection process.

6 The ground rules for the remainder of the afternoon are
7 as follows: If a question is posed that applies to you, I
8 want you to raise your hand up and please keep it up. When
9 you are called upon, first thing you will do is to tell us
10 your juror number before you actually begin answering the
11 question.

12 If a question applies to you but it's the type of
13 question you would rather answer in private instead of from
14 where you are, just let me know. At the end, I'll bring
15 you up and the lawyers up to the bench as well. It will
16 not be completely private, obviously, but will give you
17 perhaps more privacy than from where you are now.

18 Ladies and gentlemen, is there anyone here who knows
19 anything at all about this case? Keep your hands up,
20 please. Make sure I have this right. Juror Number 32 and
21 Juror Number 12. Anyone else? I see one -- what number
22 are you, ma'am?

23 JUROR NUMBER 53: 53.

24 THE COURT: 53. So it's Jurors Number 12, 32, and 53.
25 Besides these jurors, anyone else know anything at all

1 about the case? Numbers 12, 53, and 32, I will let the
2 lawyers follow up with you shortly.

3 Ladies and gentlemen, I am going to introduce the
4 defendants to you. And excluding the three jurors that
5 have just raised their hands up, if anyone knows these
6 defendants, please let me know.

7 First defendant I want to introduce to you is Mr. Joel
8 Gilbert.

9 Mr. Gilbert, would you please stand?

10 And then Mr. Steven McKinney, would you please stand as
11 well?

12 And then Mr. David Roberson, would you please stand?

13 Ladies and gentlemen, do you know these three
14 gentlemen? Again, excluding the three jurors that just
15 raised their hands up?

16 A JUROR: I can't see the third one.

17 THE COURT: Mr. Roberson, may I impose on you, please,
18 sir? Thank you. Just come on up by the podium perhaps.

19 Does anyone know these three defendants besides the
20 three jurors that raised their hands up previously?

21 Gentlemen, thank you. You may be seated, please.

22 Ladies and gentlemen, I want to introduce the lawyers
23 to you now. I'm going to introduce the lead lawyer per
24 side, and he or she will introduce the rest of her
25 colleagues and the rest of her team.

1 For the government, I want to introduce to you
2 Ms. Robin Mark.

3 Ms. Mark, good afternoon. Would you please introduce
4 yourself and your teammates to the jurors, please?

5 MS. MARK: Thank you, Your Honor. My name is Robin
6 Mark, and along with George Martin and J.B. Ward, we
7 represent the government.

8 THE COURT: Thank you. First lawyer on the defense
9 side I want to introduce to you is Mr. Brandon Essig, who
10 is one of the lawyers that's representing Mr. Gilbert.

11 Mr. Essig, would you introduce your team, please.

12 MR. ESSIG: Yes. Thank you, Your Honor.

13 Good afternoon, ladies and gentlemen. My name is
14 Brandon Essig, as Judge Kallon said, representing
15 Mr. Gilbert. Along with me is Mr. Jack Sharman, Mr. Jeff
16 Doss. And I am the lead for today only. After today for
17 the rest of the case it will be Mr. Sharman.

18 THE COURT: Gentlemen, thank you very much. I now
19 would to introduce to you Mr. Stewart McKnight, who is one
20 of the lawyers for Mr. McKinney. Mr. McKnight, would you
21 introduce your team, please?

22 MR. MCKNIGHT: I am David McKnight, and along with
23 Craig Gillen and Lawanda Hodges, we have the honor and
24 privilege of representing Steve McKinney.

25 THE COURT: Mr. McKnight, thank you very much.

1 And then last, but not least, I want to introduce to
2 you Mr. Brett Bloomston, who represents Mr. Roberson.
3 Mr. Bloomston, same thing, please.

4 MR. BLOOMSTON: Good afternoon, everyone. My name is
5 Brett Bloomston. My team represents David Roberson. David
6 Bouchard and Barbara Harding and Mr. Hank Asbill are
7 working with me.

8 THE COURT: Thank you. Young lady, I didn't see you
9 over there. I'm sorry.

10 Ladies and gentlemen of the jury, same generic
11 questions. Do any of you know these lawyers at all? I see
12 two hands. I'm going to exclude Number 32.

13 What's your juror number, ma'am?

14 JUROR NUMBER 27: 27.

15 THE COURT: 27? Which lawyers do you know?

16 JUROR NUMBER 27: Mr. Bloomston represented one of my
17 sons in a legal matter.

18 THE COURT: Okay. Anyone else that I've overlooked?
19 Thank you.

20 Ladies and gentlemen, the next sets of questions I am
21 going to pose are designed to help the lawyers and the
22 Court determine three things. First and foremost, we want
23 to know if you've heard or read anything about this case
24 and, if so, have you formed any opinions on whether any or
25 all of the defendants are guilty of these charges. Then

1 the last thing is do you have any extraordinary hardship
2 that would prevent you from serving as a juror in this
3 case.

4 So the first question -- and please raise your hands up
5 and keep them up so that the lawyers can make the necessary
6 notations. I want to know what are your main sources of
7 news. For those of you who rely on the local newspaper,
8 please raise your hands up.

9 Thank you, sir.

10 For those of you who rely on newspapers other than
11 local ones for your sources of news, please raise your
12 hands up as well.

13 Television, who relies on television for your main
14 sources of news? Keep your hands up, please. Give the
15 lawyers a chance to make the necessary notations.

16 I would speculate that's probably about 90 percent of
17 the room, so maybe a better way to help the lawyers quickly
18 is who does not rely on television for your news? Please
19 raise your hands up.

20 Well, I thought that was going to be a smaller group.
21 It's last call for the lawyers. Anyone needs more time for
22 this one? Thank you, ladies and gentlemen.

23 Next question, same generic topic, how many of you rely
24 on the radio for your sources of news?

25 JUROR NUMBER 5: I do all of this.

1 THE COURT: You do all of it. That's okay. Raise your
2 hands up.

3 MR. BLOOMSTON: Your Honor, would it be more efficient
4 if we could just ask them to give us their numbers?

5 THE COURT: Okay.

6 MR. BLOOMSTON: Thank you.

7 THE COURT: Raise your hands up if you rely on the
8 radio. And starting with Number 1, and then we will go
9 behind your row and then over to my right. Number 1,
10 please identify your juror number and then the next person.

11 JUROR NUMBER 1: Juror 1.

12 THE COURT: Radio? Next person?

13 JUROR NUMBER 3: Radio, TV, and I read it on an app.

14 THE COURT: On the what?

15 JUROR NUMBER 3: On an app. I'm Number 3.

16 THE COURT: Okay. Number 3? And then is that
17 Number 4?

18 JUROR NUMBER 4. Number 4.

19 THE COURT: Number 5?

20 JUROR NUMBER 5: Number 5. Social media and TV and
21 radio.

22 THE COURT: All right. Second row, just announce your
23 numbers, please.

24 JUROR NUMBER 8: Number 8.

25 JUROR NUMBER 10: Number 10.

1 THE COURT: Third row?

2 JUROR NUMBER 18: 18.

3 JUROR NUMBER 19: 19.

4 JUROR NUMBER 20: 20.

5 JUROR NUMBER 24: 24.

6 JUROR NUMBER 30: 30.

7 JUROR NUMBER 32: 32.

8 JUROR NUMBER 34: 34.

9 JUROR NUMBER 35: 35.

10 JUROR NUMBER 48: 48.

11 JUROR NUMBER 52: 52.

12 THE COURT: Anyone else? Some of you have already
13 answered this. Let me jump to the broad "Internet," which
14 includes social media, obviously. For those of who you
15 rely on the Internet for your news, please raise your hands
16 up and then same drill, starting with Number 1.

17 JUROR NUMBER 1: Number 1.

18 JUROR NUMBER 2: Number 2.

19 JUROR NUMBER 3: Number 3.

20 JUROR NUMBER 4: 4.

21 JUROR NUMBER 5: 5.

22 JUROR NUMBER 6: Number 6.

23 JUROR NUMBER 7: 7.

24 JUROR NUMBER 9: 9.

25 JUROR NUMBER 10: 10.

1	JUROR NUMBER 16:	16.
2	JUROR NUMBER 17:	17.
3	JUROR NUMBER 18:	18.
4	JUROR NUMBER 19:	19.
5	JUROR NUMBER 20:	20.
6	JUROR NUMBER 21:	21.
7	JUROR NUMBER 25:	25.
8	JUROR NUMBER 27:	27.
9	JUROR NUMBER 30:	30.
10	JUROR NUMBER 32:	32.
11	JUROR NUMBER 33:	33.
12	JUROR NUMBER 34:	34.
13	JUROR NUMBER 35:	35.
14	JUROR NUMBER 36:	36.
15	JUROR NUMBER 38:	38.
16	JUROR NUMBER 39:	39.
17	JUROR NUMBER 43:	43.
18	JUROR NUMBER 44:	44.
19	JUROR NUMBER 46:	46.
20	JUROR NUMBER 47:	47.
21	JUROR NUMBER 48:	48.
22	JUROR NUMBER 50:	50.
23	JUROR NUMBER 51:	51.
24	JUROR NUMBER 52:	52.
25	JUROR NUMBER 53:	53.

1 JUROR NUMBER 54: 54.

2 JUROR NUMBER 56: 56.

3 JUROR NUMBER 57: 57.

4 JUROR NUMBER 58: 58.

5 THE COURT: The last thing I want to inquire about,
6 again, sources of news, how many of you rely on your
7 reliable/perhaps not so reliable friends and family for
8 your sources of news? All right. Let's start with
9 Number 5. Anyone else on this row? Juror numbers only,
10 please.

11 JUROR NUMBER 16: 16.

12 JUROR NUMBER 17: 17.

13 THE COURT: Anyone else on my left? All right. To my
14 right?

15 JUROR NUMBER 34: 34.

16 JUROR NUMBER 31: 31.

17 JUROR NUMBER 39: 39.

18 JUROR NUMBER 43: 43.

19 JUROR NUMBER 44: 44.

20 JUROR NUMBER 45: 45.

21 THE COURT: Thanks, everyone. My next question is, in
22 the last two years, how many times, if any, do you remember
23 reading, hearing, or seeing any media reports about former
24 Alabama State Representative Oliver Robinson or any of the
25 defendants in this case?

1 So before I drill down on that, for those of you who
2 have heard anything at all about Oliver Robinson or about
3 any of the defendants in this case, please raise your hands
4 up.

5 Juror Number 1, how many times? More than 20 or less
6 than 20?

7 JUROR NUMBER 1: Less than 20.

8 THE COURT: More than 10 or less than 10?

9 JUROR NUMBER 1: Less than 10.

10 THE COURT: Roughly how many times?

11 JUROR NUMBER 1: Two probably.

12 THE COURT: Thank you. Anyone else?

13 Next, Number 4, how many times?

14 JUROR NUMBER 4: Probably five times.

15 THE COURT: Okay. Second row, what number are you?

16 JUROR NUMBER 8: Number 8.

17 THE COURT: How many times?

18 JUROR NUMBER 8: Maybe two times.

19 THE COURT: Who is next?

20 JUROR NUMBER 27: 27. Probably less than five.

21 THE COURT: Juror Number 27, less than five, you said?

22 What about Juror Number -- is that 12?

23 JUROR NUMBER 24: 24.

24 THE COURT: Let me just do it in order as best as I
25 can.

1 Juror Number 12, how many times?

2 JUROR NUMBER 12: 10.

3 THE COURT: Thank you. Who is behind Juror Number 12?

4 JUROR NUMBER 24: 24.

5 THE COURT: Is that Juror Number 24?

6 JUROR NUMBER 24: Yes, sir.

7 THE COURT: How many times?


8 JUROR NUMBER 24: I'd say two or three times.

9 THE COURT: Okay. And who else?

10 JUROR NUMBER 28: 28. Many times.

11 THE COURT: More than 20, sir, or less than 20?

12 JUROR NUMBER 28: Probably more than 20.

13 THE COURT: Okay. The last number, , what is
14 your number again?

15 JUROR NUMBER 28: 28.

16 THE COURT: 28.

17 Is that 29 next to --

18 JUROR NUMBER 29: 29.

19 THE COURT: How many times, sir?

20 JUROR NUMBER 29: Approximately four or five times.

21 THE COURT: Okay. And is that Number 30?

22 JUROR NUMBER 30: 30.

23 THE COURT: How many times?

24 JUROR NUMBER 30: Three or four.

25 THE COURT: Thank you.

1 Anyone else that I've missed on my left side of the
2 room.

3 Coming over to the right, Number 32?

4 JUROR NUMBER 32: More than 20.

5 THE COURT: Thank you. And then is that Number 35?
6 How many times, ma'am?

7 JUROR NUMBER 35: I'm thinking about 10.

8 THE COURT: Thank you. Is that 49? Or are you 55?

9 JUROR NUMBER 55: 55.

10 THE COURT: 55, how many times?

11 JUROR NUMBER 55: About five times.

12 THE COURT: Thank you.

13 Did I miss anyone else? For those of you who just had
14 your hands up, the lawyers will want to know of all the
15 things that you've heard about or read about or seen, what
16 stands out the most in your mind? Same with the people --
17 let's just start in sequential order beginning with the
18 first juror that had his or her hand up.

19 MR. ESSIG: Your Honor, may we approach?

20 THE COURT: Yes. You want to do that in private?
21 Okay. All right.

22 (Off-the-record discussion.)

23 THE COURT: For those of who you had your hands up to
24 the prior question, would you please raise your hands up
25 again, please? Let me do it in sequential order to my far

1 right. Let's start with Number 1. I know it's going to
2 cause some inconvenience since you are all tightly packed.
3 Let me bring Number 1 up. Ms. Lewis, can you come up as
4 well, please?

5 (At sidebar:)

6 THE COURT: The lawyers just simply want to know what
7 has stood out the most in your mind.

8 JUROR NUMBER 1: Just that he was a state senator.
9 That's probably the biggest thing. I don't really know a
10 whole lot else about it. Just that he was a state senator.

11 THE COURT: Okay. You all get a chance to follow up.
12 That's probably the best way to do it instead of free for
13 all here. That's it? Just that.

14 JUROR NUMBER 1: Just that he was a state senator and
15 there was a connection with -- that he was being charged.
16 I didn't really get ahold of what he was being charged. I
17 read it because he was a state senator, he was a Jefferson
18 County senator.

19 THE COURT: Okay. Thank you, Juror Number 1. You may
20 go back. Stay here, please.

21 (In open court:)

22 THE COURT: Who is next on the front row that had their
23 hand up? Please come on up.

24 (At sidebar:)

25 THE COURT: Tell me your juror number again, sir.

1 JUROR NUMBER 4: Number 4.

2 THE COURT: Number 4, tell us what stood out the most
3 of all the things that you heard.

4 JUROR NUMBER 4: (Inaudible.)

5 THE COURT REPORTER: I'm sorry?

6 THE COURT: "It's Oliver Robinson."

7 JUROR NUMBER 4: Oliver Robinson. Dealing with the
8 sports person, basketball?

9 THE COURT: Yes, sir.

10 JUROR NUMBER 4: Yeah. And you want to know what I
11 remember about it?

12 THE COURT: Yeah, what stood out the most of all the
13 things you've heard?

14 JUROR NUMBER 4: Just saying that he was in trouble and
15 going to court and something -- I want to say Auburn for
16 some reason. I'm not sure. But I remember basketball and
17 sports and his name.

18 THE COURT: Okay. Anything else?

19 JUROR NUMBER 4: No. And I watch a lot of sports.
20 That's why it was in my mind.

21 THE COURT: Thank you. Thanks.

22 There's a lot of them. I would like to minimize our
23 sidebars to the extent that if you need a voir dire, that
24 you believe there are sensitive topics you'd rather do in
25 private and we can do them, but otherwise let's plan to do

1 it in open court as much as possible. Okay.

2 (In open court:)

3 THE COURT: Who else in the front row? No one. Who is
4 next in the second row?

5 (At sidebar:)

6 THE COURT: And let me say this. I don't believe
7 anyone has said anything yet that raises any red flags for
8 me. But why don't you guys who are going to do your
9 respective voir dres, before I release these folks, if you
10 want to do it now and follow-up question, probably is the
11 best time to do it.

12 Come on up, ma'am. Tell me your number again. I'm
13 sorry.

14 JUROR NUMBER 8: Number 8.

15 THE COURT: Number 8. Of all of the things that you
16 have heard about these defendants and/or State
17 Representative Robinson, what stood out the most, if
18 anything?

19 JUROR NUMBER 8: Really, I think my memory just has to
20 do with I know he was a former UAB basketball player and on
21 that team. I was a UAB fan, and I was disappointed to know
22 that someone representing UAB would have done -- may be
23 involved in something of a negative nature.

24 THE COURT: Okay. Thank you.

25 Any follow-up from the government? Any --

1 Mr. Bloomston?

2 MR. BLOOMSTON: Ma'am, what you've heard about Oliver
3 Robinson, has that affected your ability to sit as a juror
4 today? Do you have any preformed opinions of anything?

5 JUROR NUMBER 8: (Shaking head.)

6 THE COURT: Anyone else for this juror?

7 You may go back, ma'am. Thank you.

8 (In open court:)

9 THE COURT: Will the next person come up as well,
10 please?

11 (At sidebar:)

12 THE COURT: Number 12. Thank you very much. You work
13 at the Balch firm; is that correct? Questions for
14 Number 12.

15 MS. MARK: What have you -- first, what have you heard
16 about this case?

17 JUROR NUMBER 12: A lot.

18 MS. MARK: Okay. How often have you heard about it?

19 JUROR NUMBER 12: Well, only what I've seen on the news
20 and then, of course, what our firm does tell us. But I
21 also work for the general counsel, who is a senior partner,
22 so I have a lot of knowledge. But as far as I go, I find
23 it confusing and I'm skeptical. And then I have huge
24 periods of doubt, you know, so I just kind of waiver, you
25 know.

1 MS. MARK: Would you be uncomfortable sitting on this
2 jury?

3 JUROR NUMBER 12: Absolutely.

4 MR. BLOOMSTON: So, ma'am, you have not formed an
5 opinion as you stand here today as to the guilt or
6 innocence of these folks?

7 JUROR NUMBER 12: No, I haven't.

8 MR. BLOOMSTON: And you can assure us that you can be
9 fair?

10 JUROR NUMBER 12: Yes.

11 MS. MARK: Who is the general counsel that you work
12 for?

13 JUROR NUMBER 12: Allen Baker.

14 MS. MARK: Do you know if Allen Baker has been involved
15 in this case and meeting with lawyers or meeting with the
16 government?

17 JUROR NUMBER 12: I just know that he deals with the
18 general counsel duties, you know, as far as -- their names
19 are in his time, but it's not anything as far as meeting, I
20 think, with specific attorneys or anything.

21 MS. MARK: In responding to the subpoenas that were
22 issued to Balch, did you assist in responding to some of
23 those subpoenas and gathering documents on behalf of the
24 general counsel?

25 JUROR NUMBER 12: No. Because his secretary of 45

1 years was still there. I just took over in February. So,
2 you know, I came in after all that was done, but I do see
3 stuff, you know.

4 MS. MARK: What do you mean you came in after all that
5 was done?

6 JUROR NUMBER 12: I came in after a lot of the, you
7 know, the document production was done because I started
8 working for him when she retired.

9 MS. MARK: Okay. Who were you working for before that?

10 JUROR NUMBER 12: I worked for Will Hill Tankersley,
11 Marcus Chatterton, Jeremy Glassford. I worked for seven
12 people, so it was a lot.

13 MS. MARK: Do you work for any of the lawyers in the
14 environmental section?

15 JUROR NUMBER 12: No, I do not.

16 MS. MARK: Have you ever worked for any of the lawyers
17 in the environmental section?

18 JUROR NUMBER 12: I worked in the -- some of my people
19 when I worked in real estate did work with Mr. Gilbert --
20 worked sometimes with Mr. Gilbert and Mr. McKinney.

21 MS. MARK: You did?

22 JUROR NUMBER 12: With the attorneys I used to work for
23 when I worked in real estate and that kind of work.

24 MS. MARK: What time period would that have been?

25 JUROR NUMBER 12: From 2000 until 2012.

1 MS. MARK: You said earlier that you'd feel
2 uncomfortable sitting in this case.

3 JUROR NUMBER 12: Uh-huh.

4 MS. MARK: Tell me what you mean by that.

5 JUROR NUMBER 12: Because I know them, you know, and --

6 MS. MARK: And when you say "them," can you tell us
7 who --

8 JUROR NUMBER 12: I know more Mr. McKinney than I do
9 Mr. Gilbert.

10 MS. MARK: Okay.

11 JUROR NUMBER 12: And I just feel like it would be a
12 conflict, like a huge conflict. So that's just my feeling.

13 MS. MARK: Thank you very much.

14 THE COURT: Thank you, ma'am.

15 (In open court:)

16 THE COURT: Third row, anyone have your hand up as
17 someone who's heard anything at all about this case?

18 Fourth row, anyone had their hands up?

19 (At sidebar:)

20 THE COURT: Please come up. Come on up, please.
21 You're not in trouble. Tell me your juror number, please.

22 JUROR NUMBER 21: 21.

23 THE COURT: Lawyers want to know all the things you've
24 heard.

25 JUROR NUMBER 21: I think I know what this case is

1 about, but I'm not sure I know enough to tell you a lot.

2 THE COURT: They just want to know what, if anything,
3 has stood out from all the things you've heard about, if
4 anything.

5 JUROR NUMBER 21: I just know that a gentleman, if I'm
6 on the right case, found against the people who worked out
7 in a certain section of town to not let them know that --

8 THE COURT REPORTER: I'm sorry, ma'am. You've got to
9 come over here. I've got to hear you. That's okay. Come
10 on over here by me.

11 JUROR NUMBER 21: I heard there was a gentleman who had
12 gone against the people who lived in a certain section of
13 Birmingham and to not let them know there was pollution ---
14 I'm not exactly sure how to word that -- pollution in the
15 ground where they were living and that there were possibly
16 some other people involved in it who paid some money to him
17 to go against them. That's about all I know specifically.

18 THE COURT: Thank you.

19 Any follow-up from anyone.

20 MR. ESSIG: Ma'am, how did you find out about that?

21 JUROR NUMBER 21: Online.

22 MR. ESSIG: Online. And is it through you reading news
23 stories that you heard about it?

24 JUROR NUMBER 21: Yes.

25 MR. ESSIG: And what sources of news?

1 JUROR NUMBER 21: I think the Riverkeepers came out
2 with it first, and then I read about it in some other --

3 MR. ESSIG: Okay.

4 JUROR NUMBER 21: I guess you'd call them in blogs.

5 MR. ESSIG: Okay. So the first place you read about it
6 was on the Alabama Riverkeepers' website?

7 JUROR NUMBER 21: Right. Yes.

8 MR. ESSIG: I think you mentioned early on that
9 Riverkeepers -- are you a member of Riverkeepers? Is that
10 right?

11 JUROR NUMBER 21: Uh-huh.

12 MR. ESSIG: What's your role with them? Are you just a
13 member interested or --

14 JUROR NUMBER 21: Just interested in clean water.

15 MR. ESSIG: Okay. What was your reaction when you
16 first read about this story?

17 JUROR NUMBER 21: I was real shocked.

18 MR. ESSIG: Why is that? What about it shocked you?

19 JUROR NUMBER 21: Well, I wouldn't think that anybody
20 would try to hurt people by not letting them know what was
21 going on on their own property.

22 MR. ESSIG: And did you mean by not letting them know
23 there was pollution in the ground -- is that what I
24 understand? Pollution --

25 JUROR NUMBER 21: Pollution was there causing problems,

1 health problems, and that there could have been something
2 done about it that wasn't done.

3 MR. ESSIG: Okay. So you were concerned that whoever
4 was involved with Mr. Robinson may have kept people who had
5 polluted problems or had a health risk, kept them from
6 having that problem fixed? Is that your concern?

7 JUROR NUMBER 21: I don't know exactly what went on
8 there. I think that's probably the question. That's my
9 concern.

10 MS. MARK: One thing. Have you made any determinations
11 about this case at all?

12 JUROR NUMBER 21: No.

13 MS. MARK: Are you willing to be open and listen to the
14 evidence?

15 JUROR NUMBER 21: Certainly.

16 MR. BLOOMSTON: Along those lines, I mean, just
17 generally as a member of that organization, have you formed
18 an opinion? Do you have an opinion about people who do
19 this kind of stuff or alleged to have done this stuff?

20 JUROR NUMBER 21: Not really. I don't know what
21 exactly was done except that know there are pollutants and
22 that I know the rivers need cleaning. And I'm all for
23 that. Just to keep people safe.

24 MR. BLOOMSTON: Did you believe the stories that you
25 heard and read?

1 JUROR NUMBER 21: Well, I believe that -- is it
2 Mr. Robinson?

3 MR. ESSIG: Yes, ma'am.

4 JUROR NUMBER 21: -- that he did do that. So he
5 admitted it.

6 MS. MARK: What about with respect to anyone else?
7 Have you made any decision --

8 JUROR NUMBER 21: They were indicted, so I don't guess
9 we know.

10 MS. MARK: Would you be willing to listen --

11 JUROR NUMBER 21: Yes.

12 MS. MARK: -- and be fair and listen to all the
13 evidence?

14 JUROR NUMBER 21: Yes.

15 MR. McKNIGHT: I'm David McKnight. The money that was
16 paid -- you say some money was paid by certain people to
17 Mr. Robinson --

18 JUROR NUMBER 21: This is what I remember. I'm old, so
19 I don't have -- y'all have got to hope I write things down.

20 MR. McKNIGHT: Well, you see myself writing.

21 So the money that was paid, was it as legal money being
22 paid for him to work doing a legal thing, or did you take
23 it as being a bribe?

24 JUROR NUMBER 21: I don't have an opinion on that right
25 now. I just know that money was paid.

1 MR. McKNIGHT: Okay. Improperly paid or properly paid?

2 JUROR NUMBER 21: Probably improperly paid.

3 MR. McKNIGHT: Improperly. And --

4 THE COURT: What are we doing here? Are you guys doing
5 your voir dieres now of these witnesses? Or you just want
6 to follow up with what they've heard about the matter? I
7 need to know because I'm going to be cutting some of this
8 time from your one-hour slots that I've given you guys
9 earlier. So just let me know. But otherwise, this time,
10 which is my voir dire and I normally don't charge the
11 lawyers on, I will definitely revisit my one-hour-per-side.

12 Please continue with your questioning. I think the
13 question was the money that was paid, do you believe it was
14 done for legal services or for a bribe based on what you
15 have read.

16 MR. McKNIGHT: And I think she said --

17 JUROR NUMBER 21: I can't -- I can't give you an
18 opinion on that. I'm sorry.

19 THE COURT: What was your follow-up question, then?

20 MR. McKNIGHT: I didn't have a follow-up question,
21 Judge.

22 THE COURT: Okay. Thank you, ma'am. I'm not -- you
23 may go.

24 I need to move this along. Otherwise, we will not be
25 done with these people today. And I want to at least get

1 you, assuming I have time, to at least be done with yours
2 just to move things along.

3 MR. ESSIG: Your Honor, may I propose --

4 THE COURT: I'm listening for good ideas. Please.

5 MR. ESSIG: I think there are certainly going to be
6 instances where we're going to need to do up here not in
7 front of the jury fairly limited questions. So the topic
8 here is, "What's the first thing that comes to your mind?
9 What's most prominent in your mind based on what you've
10 heard?" My recommendation would be that we handle those
11 fairly quickly, not do the in-depth questions that don't
12 involve that subject, have all the parties --

13 THE COURT: That's what I wanted to do, correct.
14 That's the reason why I was asking about if we're going
15 beyond that and I'll start penalizing people.

16 MR. ESSIG: Yes, sir.

17 THE COURT: Okay. I'm in favor of that. Let's move
18 things along, please.

19 (In open court:)

20 THE COURT: Third row. Anyone else? Come on up,
21 please, sir.

22 (At sidebar:)

23 THE COURT: Good afternoon, sir. Come on up to
24 Ms. Lewis, please.

25 What is your juror number?

1 JUROR NUMBER 24: 24.

2 THE COURT: Okay. Of all the things that you've heard
3 about this case, what, if anything, stood out?

4 JUROR NUMBER 24: He was taking bribes.

5 THE COURT: Who?

6 JUROR NUMBER 24: Oliver.

7 THE COURT: Okay. Thank you.

8 Follow-up, one lawyer per side.

9 MS. MARK: Sir, have you formed any opinions about this
10 case? Which, in this case, Oliver Robinson is not on trial
11 here. Have you formed any opinions about the trial that's
12 involved here today?

13 JUROR NUMBER 24: I haven't formed no opinion.

14 MS. MARK: About the three defendants in this case?

15 JUROR NUMBER 24: No.

16 MR. BLOOMSTON: Sir, so you're clear, the allegations
17 are that the three defendants on trial in this matter are
18 the ones that bribed Oliver Robinson. Does that affect
19 your opinion as to these defendants?

20 JUROR NUMBER 24: No, I -- I don't know.

21 MR. BLOOMSTON: Okay. Let me ask it this way. If you
22 hear evidence in this matter, can you weigh this evidence
23 and be a fair and impartial juror?

24 JUROR NUMBER 24: Yeah, I can do that.

25 MR. BLOOMSTON: Thank you.

1 THE COURT: Anyone else?

2 Number 24, thank you. You may go back, sir.

3 (In open court:)

4 THE COURT: Anyone on the last row who's heard anything
5 at all on the radio? Come on up, please.

6 (At sidebar:)

7 THE COURT: Are you Number 26 or 27?

8 JUROR NUMBER 27: 27.

9 THE COURT: 27. Would you please step close to
10 Ms. Lewis?

11 Of all the things that you have heard, the lawyers want
12 to know what stood out, if anything?

13 JUROR NUMBER 27: That there was a guilty plea or
14 guilty verdict and that other people were going to be
15 charged.

16 THE COURT: Okay. Thank you. Hang on a minute.
17 Follow-up, one lawyer per side, please.

18 MS. MARK: Have you formed any opinions about the
19 others who were -- you said to be charged?

20 JUROR NUMBER 27: No. I don't know enough about it.

21 MS. MARK: Would you be willing to sit and listen and
22 hear the evidence and be a fair and impartial juror?

23 JUROR NUMBER 27: If the chair is cushioned, yes.

24 MS. MARK: Thank you.

25 MR. ASBILL: These are the chairs.

1 THE COURT: Anyone else? May I release 27?

2 MR. BLOOMSTON: Yes, sir.

3 THE COURT: Thank you, ma'am.

4 (In open court:)

5 THE COURT: Is there anyone else on this side that I
6 may have -- come on up, please.

7 (At sidebar:)

8 THE COURT: This is Number 28.


9 For the lawyers, because I want you guys -- you can use
10 my time for this. In addition to the questioning Number 28
11 is up here for, he's also -- he's a salaried employee
12 for -- it's not Jim Walter Resources anymore. Who is the
13 new employer?

14 JUROR NUMBER 28: ERP Compliant Coke.

15 THE COURT: ARP?

16 JUROR NUMBER 28: ERP.

17 THE COURT: ERP. It's a coal company, and he is
18 worried that if he serves on a jury, although the employer
19 is not supposed to retaliate against their employees for
20 jury service, he does have concern about potential
21 retaliation. And I told him that question will come up
22 because I had gotten your questionnaire. But since he's up
23 here, if anyone wants to follow up with him on that, you
24 can use my time for that so you don't use it on your watch.

25 But for now,  -- Number 28 -- I'm sorry -- of

1 all the things that you have heard -- I think you've said
2 you have heard about this case more than 20 times -- the
3 lawyers want to know what, if anything, stood out of all
4 the things that you've heard?

5 JUROR NUMBER 28: With Oliver Robinson, this case -- it
6 concerns my plant. I work over in that area, in the North
7 Birmingham area. And if this is what this is about, I know
8 the case. They talk about it all the time because we
9 almost closed up. If it's got something to do with the
10 government and stuff and Oliver Robinson, I'm at one of
11 those plants.

12 THE COURT: Which plant? I know U.S. Pipe had a plant
13 up there, and I know they were affiliated with Jim Walters.
14 Is it Sloss?

15 JUROR NUMBER 28: Yeah, Sloss.

16 THE COURT: Okay.

17 JUROR NUMBER 28: It's not Sloss anymore, but at the
18 time it was Sloss, yes, sir.

19 MR. ESSIG: Yes, sir. Were you at Walter Coke --

20 JUROR NUMBER 28: Yes, sir.

21 MR. ESSIG: -- at the time the Superfund investigation
22 was going on?

23 JUROR NUMBER 28: Yes.

24 MR. ESSIG: Were you involved in that in any way, get
25 interviewed by the EPA or --

1 JUROR NUMBER 28: No. I drive the water truck out
2 there in that plant.

3 MR. ESSIG: Okay.

4 JUROR NUMBER 28: So ERP -- I mean, EPA, it's a
5 department. I work in that department. So but nobody
6 questioned us about that.

7 THE COURT: Follow-up as to what he has heard or about
8 his employment concerns for potentially a four- to six-week
9 service? Again, you can use my time for this one.

10 MS. MARK: Have you formed any opinions about this
11 case?

12 JUROR NUMBER 28: Yes, ma'am.

13 MS. MARK: Okay. Can you tell us what that is?

14 THE COURT: Remember you were sworn in under oath
15 downstairs before you came up. You are still under oath.

16 JUROR NUMBER 28: Money laundering.

17 MR. ESSIG: Sir?

18 JUROR NUMBER 28: All the people that's involved in
19 this case here is right around in that area where I'm at,
20 Drummond and stuff, you know, so I know what's going on.
21 So --

22 MR. ESSIG: You think they're guilty? You can say yes.

23 JUROR NUMBER 28: Yes, I do.

24 MR. ESSIG: Okay.

25 THE COURT: Let me make sure I'm concerned -- I'm clear

1 on this, [REDACTED]. I keep calling you that because I
2 think you were one of my former clients back in my former
3 life. But Number 28, based on what you have just said, you
4 don't believe you can keep an open mind --

5 JUROR NUMBER 28: No.

6 THE COURT: -- and listen to the evidence and my
7 instructions and then decide based on the facts in this
8 case?

9 JUROR NUMBER 28: No, sir. I know I can't.

10 THE COURT: Okay. All right. Thank you.

11 MR. ESSIG: Judge --

12 (In open court:)

13 THE COURT: Come on up, sir.

14 (At sidebar:)

15 THE COURT: Well, I suspect you all have narrowed it
16 down to 12, 32 involved. I will hear all of them, but you
17 do have good grounds. And I will listen to you guys'
18 arguments about -- well, based on what she said, I think
19 you have good grounds as well.

20 Come up on, sir. Tell me your number again, please.
21 Number 29 or 30?

22 JUROR NUMBER 29: 29.

23 THE COURT: 29. Of all the things that you have heard
24 about this case, the lawyers want to know what stands out
25 the most to you?

1 JUROR NUMBER 29: That Oliver took bribes and that he
2 sold his influence.

3 THE COURT: As to the defendants in this case,
4 Mr. McKinney, Mr. Gilbert, and Mr. Roberson, have you heard
5 anything at all about them?

6 JUROR NUMBER 29: No, I've -- no.

7 THE COURT: Follow-up questions. One per side, please.

8 MS. MARK: Have you formed any opinions about this case
9 of Mr. Gilbert, Mr. Roberson, and Mr. McKinney?

10 JUROR NUMBER 29: No.

11 MS. MARK: Would you be willing to sit and listen to
12 the evidence and be fair and impartial?

13 JUROR NUMBER 29: I haven't formed an opinion, but I
14 don't know if I'd be fair.

15 MR. BLOOMSTON: May I ask you this? The allegations
16 are that these three defendants are the ones that bribed
17 Oliver Robinson. You know that Mr. Robinson pled guilty.
18 Is that going to affect your ability to give these three
19 defendants a fair trial?

20 JUROR NUMBER 29: It will.

21 MR. BLOOMSTON: Thank you.

22 THE COURT: If you are sworn in as a juror, your oath
23 will be for you to listen to all of the evidence from both
24 sides including the defendants' responses to Mr. Robinson's
25 allegations and then to render a verdict based on the facts

1 as the jury finds them and based on the law as I charge you
2 at the end of the case. Do you believe you will be able to
3 do that?

4 JUROR NUMBER 29: I would hope I would, but I'm not --
5 I'm not -- I'm not confident in myself to make that
6 decision because -- well, I'm just not confident in myself
7 to make that.

8 THE COURT: Okay. Anything else for Number 29?

9 MS. MARK: No, sir.

10 THE COURT: Thank you. You may step down, sir.

11 I think you guys are dealing with jurors who don't want
12 to be here and know what to say. Number 28 was very
13 shocked when I did not excuse him because he was claiming
14 that his employer was going to fire him. They can't do
15 that. That's against the law. And he's a salaried
16 employee, so there's not any concern about losing money at
17 all. He just did not want to be here.

18 (In open court:)

19 THE COURT: The first row to my right, come on up,
20 please. Number 30.

21 JUROR NUMBER 30: Thank you.

22 (At sidebar:)

23 THE COURT: Number 30, good afternoon. The lawyers
24 want to know of all the things that you've heard, what
25 stood out, if anything, the most to you?

1 JUROR NUMBER 30: Oh, I didn't realize what the case
2 was about until I heard Oliver Robinson's name today.

3 THE COURT: Yes, ma'am.

4 JUROR NUMBER 30: So I knew -- I knew from watching him
5 play basketball at UAB, and I was real happy when he became
6 a Birmingham City Councilor. So I was disappointed when I
7 heard on the radio that he'd been accused of a crime. It
8 doesn't mean that he did it. My memory is vague. It's
9 been a while since I heard anything.

10 It had to do with him talking to some of his people he
11 represents into not reporting something they should have
12 reported -- and I don't know what it is, but some lawyers
13 were involved, supposedly, and money exchanged hands. I
14 don't know how. Don't remember enough about it. I just
15 know that some lawyers are accused of being involved in
16 this and paying -- I don't know if they paid the
17 homeowners, if they paid Robinson. Supposedly --

18 THE COURT: Based on what you've heard, do you believe
19 you can sit on this jury, listen to the evidence and the
20 law, and render a fair and impartial verdict?

21 JUROR NUMBER 30: I do hope so, yes. My daughter is a
22 lawyer, and I wouldn't want anybody to --

23 THE COURT: Where is your daughter practicing?

24 JUROR NUMBER 30: In Washington, D.C.

25 THE COURT: Okay. Follow-up questions? One lawyer per

1 side, please.

2 MS. MARK: Where is your daughter?

3 JUROR NUMBER 30: She's at Department of Homeland
4 Security in Washington, D.C.

5 MS. MARK: Thank you.

6 THE COURT: Any questions from the defendants?

7 MR. BLOOMSTON: No, sir.

8 THE COURT: Number 30, thank you, ma'am.

9 (In open court:)

10 THE COURT: Did I miss anyone else on this side of the
11 room? On that side? Let me start with my right side at
12 this point. Again, just people who want to know -- who
13 have heard anything about the case.

14 Come on up, Number 32, please.

15 (At sidebar:)

16 THE COURT: Number 32, good afternoon. Did I hear you
17 say you were a brother in the law?

18 JUROR NUMBER 32: Yes, I am.

19 THE COURT: You used to be at Balch and now at Maynard?

20 JUROR NUMBER 32: That's right.

21 THE COURT: How long were you at Balch?

22 JUROR NUMBER 32: From May of 2012 until January of
23 this year.

24 THE COURT: So you were there, I guess, when the
25 alleged infractions in this case took place?

1 JUROR NUMBER 32: That's correct.

2 THE COURT: Okay. I'll turn it over to you first and
3 then follow up with the defense.

4 MS. MARK: You were a partner at Balch?

5 JUROR NUMBER 32: Yes.

6 MS. MARK: Do you know Steve McKinney?

7 JUROR NUMBER 32: Yes.

8 MS. MARK: Did you work or practice with him when you
9 were at Balch?

10 JUROR NUMBER 32: No. I knew him but did not work with
11 him.

12 MS. MARK: What practice?

13 JUROR NUMBER 32: Public finance.

14 MS. MARK: What about Joel Gilbert? Did you work with
15 Joel Gilbert?

16 JUROR NUMBER 32: No.

17 MS. MARK: Did you socialize with either one of them
18 while you worked there?

19 JUROR NUMBER 32: Steve some.

20 MS. MARK: Joel?

21 JUROR NUMBER 32: No.

22 MS. MARK: Were you aware of the investigation and the
23 response to the subpoena?

24 JUROR NUMBER 32: Not until -- yeah, once the subpoena
25 came out, yes.

1 MS. MARK: Was that something that was discussed among
2 the partners?

3 JUROR NUMBER 32: Yes.

4 MS. MARK: Did you form any opinions about those
5 events?

6 JUROR NUMBER 32: Opinions, yes. Not as to ultimate
7 guilt or innocence, but yes, I had opinions.

8 MS. MARK: Okay. Can you tell us what that is?

9 JUROR NUMBER 32: In the kind of practice that I do
10 which involves working with nonprofits a good bit, it was
11 hard for me to understand how this fact pattern that was
12 alleged could have happened.

13 MS. MARK: Why do you say that?

14 JUROR NUMBER 32: It didn't seem like -- it didn't seem
15 like a plausible way to set up a nonprofit and for a
16 nonprofit's activities. It did not make any sense to
17 somebody who works with nonprofits frequently.

18 MS. MARK: Would you be uncomfortable sitting on this
19 case?

20 JUROR NUMBER 32: Yes.

21 MS. MARK: Okay. Why is that?

22 JUROR NUMBER 32: I know all three defendants.

23 MS. MARK: How do you know Mr. Roberson?

24 JUROR NUMBER 32: His daughter was very good friends
25 with one of my daughters in high school. His wife was in

1 college with me. They have been at our house for dinner.
2 I don't know them well, but I know them.

3 MS. MARK: Do you think you'd be able to sit and listen
4 to the evidence and be a juror on this case, or would you
5 feel uncomfortable with that?

6 JUROR NUMBER 32: I could. But I have an awful lot of
7 background.

8 MS. MARK: Do you feel like it's a conflict for you to
9 be a juror in this case?

10 JUROR NUMBER 32: No.

11 MR. ESSIG: The charges in this case, did they
12 contribute to the reasons for leaving Balch?

13 JUROR NUMBER 32: Yes.

14 THE COURT: Anything else for this witness?

15 I've never met you since I don't do any public finance,
16 but thanks for being here.


17 JUROR NUMBER 32: Thank you.


18 (In open court:)

19 THE COURT: Next, please.

20 (At sidebar:)

21 THE COURT: This is the woman who works for the state,
22 retired.

23 , would you remind me again? You're the one
24 who said you need a knee replacement at some point, right?

25 JUROR NUMBER 35: No. I'm .

1 THE COURT: Okay. You're [REDACTED]?

2 JUROR NUMBER 35: Uh-huh.

3 THE COURT: Okay. Sorry. Ms. [REDACTED], of all the things
4 that have happened that you have read about, the lawyers
5 want to know what, if anything, stands out to you about
6 this case?

7 JUROR NUMBER 35: Okay. Well, I didn't remember the
8 defendants' names, but I did remember the bribery and
9 Oliver Robinson. I remembered his name. Of course, I was
10 more familiar with him.

11 THE COURT: Okay. What do you remember hearing about
12 Oliver Robinson besides just the general bribery
13 contention?

14 JUROR NUMBER 35: It was pretty general; that I just
15 recall that he had been accused of taking bribes and he did
16 have a plea deal. So --

17 THE COURT: I will let the lawyers follow up. But
18 before I do that, you don't remember reading anything
19 specifically about the defendants in this case?

20 JUROR NUMBER 35: Not enough so that I know their
21 names.

22 THE COURT: Thank you, ma'am.

23 MS. MARK: With what you've heard about Oliver
24 Robinson, would you be able to listen to the evidence in
25 this case and be fair and impartial?

1 JUROR NUMBER 35: Well, it depends. If these are the
2 folks that supposedly bribed him, I can't say I wouldn't
3 remember that.

4 THE COURT: Well, let's emphasize on "supposedly." In
5 other words, if the evidence shows that they did not do
6 what they're being accused of, would you be able to render
7 a verdict of not guilty if that's what the evidence shows
8 at trial?

9 JUROR NUMBER 35: I guess if -- I just can't imagine
10 what -- well, I would just -- I can't imagine what evidence
11 I could hear that would make me think for somebody to get a
12 deal if, you know, if there was no basis to what they were
13 accused of.

14 THE COURT: Well, okay. I think I see where you're
15 going. But just so that the record is clear, Oliver
16 Robinson is the one that got a deal. He's not a defendant
17 in this case.

18 JUROR NUMBER 35: Uh-huh. Uh-huh.

19 THE COURT: The defendants in this case are accused of
20 allegedly bribing Mr. Robinson. They have denied those
21 allegations.

22 JUROR NUMBER 35: Uh-huh.

23 THE COURT: And so my question to you is, if the
24 evidence at trial supports their denials, are you saying
25 that you're not going to be able to reach a verdict of not

1 guilty if that's what the evidence at trial shows?

2 JUROR NUMBER 35: Just trying to be honest with you, I
3 just can't imagine, well, what I would hear that would make
4 me think there was no basis to any of the charges.

5 THE COURT: Okay. Any follow-up? I'm sorry for
6 cutting you off.

7 JUROR NUMBER 35: No, I was just saying I was just
8 trying to be honest.

9 THE COURT: No, no. No. I wanted you to get that on
10 the record so the record is clear. Never apologize for
11 being honest, please. That's what we want.

12 Any follow-up from anyone?

13 Thank you, ma'am.

14 (In open court:)

15 THE COURT: Anyone else on the front row on my right?
16 If not, what about the second row? Third row? Fourth row?
17 Last row?

18 Come on up, please, Number 55.

19 (At sidebar:)

20 THE COURT: Good afternoon, sir.

21 JUROR NUMBER 55: Good afternoon.

22 THE COURT: Let's get you up here next to Ms. Lewis,
23 please. The lawyers just simply want to know with all the
24 things you've heard, what, if anything, has stood out to
25 you?

1 JUROR NUMBER 55: Just, you know, over the last couple
2 years, I'd seen on the news Mr. Robinson on there, that he
3 was a state politician and maybe was accused of corruption.
4 I followed his career over the years. I think he played
5 basketball at UAB, if I remember correctly. So I had
6 followed him over the years. And then just, you know, what
7 I've heard a few times on the news about that.

8 THE COURT: Okay. Thank you.

9 Lawyers, one per side, please.

10 MS. MARK: You mention you've heard about Oliver
11 Robinson. Have you heard anything about the three
12 defendants in this case, Mr. Gilbert, Mr. Roberson,
13 Mr. McKinney?

14 JUROR NUMBER 55: No.

15 MS. MARK: Have you formed an opinion about the charges
16 against them in this case?

17 JUROR NUMBER 55: No.

18 MS. MARK: Thank you.

19 MR. BLOOMSTON: Is there any reason why you couldn't be
20 a fair and impartial juror in this case?

21 JUROR NUMBER 55: I don't see why not.

22 THE COURT: Anything else for Number 55?

23 Thank you. You may step down.

24 Ladies and gentlemen, that's it. I think.

25 MS. MARK: Your Honor, I thought Number 53 had raised

1 her hand.

2 THE COURT: Well, let me find out.

3 (In open court:)

4 THE COURT: Juror Number 53, there's confusion up here.
5 Did you raise your hand up to say you'd heard anything
6 about this case on the news?

7 JUROR NUMBER 53: On the news?

8 THE COURT: Yes, ma'am.

9 JUROR NUMBER 53: No.

10 THE COURT: Okay. Thank you.

11 Let me not restrict it to the news. Did you read
12 anything at all about this case prior to today? Why don't
13 you come up briefly just to be safe, please? Thank you.

14 (At sidebar:)

15 THE COURT: Number 53, thank you. My notes are just
16 not clear. Come on over here next to Ms. Lewis, please.

17 Have you heard anything at all, be it news, friends,
18 radio, Internet, about Oliver Robinson or about the
19 defendants in this case?

20 JUROR NUMBER 53: I don't know. I don't know any of
21 the attorneys, and I don't know Mr. Roberson. The only
22 thing I knew is that when I was going to interview with
23 Balch, I did a search. And I thought it was a blog, but I
24 didn't read it because I wasn't interested. I was just
25 interested in the firm.

1 THE COURT: Okay. Are you the one that left Ogletree
2 and went to Balch recently?

3 JUROR NUMBER 53: Right.

4 THE COURT: Okay. Any follow-up questions for
5 Number 53?

6 MS. MARK: Yes, Your Honor.

7 Who do you work for at Balch?

8 JUROR NUMBER 53: I work for Jeff Sterling. I'm in the
9 labor and employment department.

10 MS. MARK: Do you work with any of the environmental
11 lawyers?

12 JUROR NUMBER 53: No.

13 MS. MARK: How long have you been at Balch?

14 JUROR NUMBER 53: Almost three months.

15 MS. MARK: Have you heard anything at Balch among any
16 of your colleagues about this case?

17 JUROR NUMBER 53: The only thing that I did hear was I
18 mentioned that I had been called for jury duty. And they
19 said, "Oh, you may be called on the Balch case." And
20 that's how I knew there was a Balch case. But I'm not from
21 here, so I don't really know a lot of --

22 MS. MARK: Who did you speak with about your jury
23 service today before?

24 JUROR NUMBER 53: You know, I don't remember because I
25 don't even know that I've talked to that person since. I

1 don't really know that many people there. I kind of go in
2 and work and sit by myself at lunch, and I don't really --
3 I'm a loner.

4 THE COURT: Me, too.

5 JUROR NUMBER 53: I do my thing and leave.

6 MS. MARK: Have you formed any opinions about this
7 case?

8 JUROR NUMBER 53: I don't know anything about the case,
9 so I couldn't form an opinion.

10 MR. BLOOMSTON: Is there any reason why you couldn't be
11 a juror on this case?

12 JUROR NUMBER 53: No.

13 THE COURT: If you were selected and, hypothetically
14 speaking, the evidence supports a guilty verdict, would you
15 feel uncomfortable for voting for a guilty verdict knowing
16 that you'll have to go back to work?

17 JUROR NUMBER 53: No.

18 THE COURT: Okay. Thank you.

19 I think that's it. I'm just going to go now to
20 questions number five and six, any reason why they can't be
21 fair and impartial and the length of the trial. I will
22 take up strikes for cause later. I believe that both sides
23 have good reasons to move on some of these individuals, but
24 I will allow both of you to argue for and against your
25 positions in a while. Thank you.

1 (In open court:)

2 THE COURT: Ladies and gentlemen, thank you all for
3 your patience. Besides the people that I've called up
4 individually who have already answered this question, is
5 there anyone here who has any reason why he or she believes
6 they cannot be fair and impartial if they are selected as a
7 juror in this case?

8 Anyone who knows of any reason why you don't believe
9 you can be fair or impartial either to the government or to
10 the defendants?

11 Ladies and gentlemen, I mentioned this when we met this
12 morning as a group outside of the presence of the lawyers,
13 but this trial is expected to last three to four weeks.
14 I've also heard as long as six weeks.

15 Regardless of whether it's three, four, five, or six, a
16 trial of this length will pose an extraordinary hardship on
17 virtually every juror, lawyer, and participant in this
18 case.

19 But focusing on you as prospective jurors, is there
20 anyone here who has a severe or extraordinary hardship that
21 would make it impossible for you to serve on this case?
22 Please raise your hands up and please keep them up.

23 Anyone on my left side of the courtroom?

24 Turning to my right side, Number 33? Your hand's not
25 up? Okay. And then is that 42?

1 JUROR NUMBER 42: Yes, sir.

2 THE COURT: Anyone besides 33 and 42? What's your
3 number, sir, in the back? Is it 47?

4 JUROR NUMBER 52: 52.

5 THE COURT: 52. I've got 33, and then is that
6 Number 39?

7 JUROR NUMBER 39: Yes, sir.

8 THE COURT: Okay. Number 33, why don't we start with
9 you? Why don't you tell the lawyers what your hardship is?

10 JUROR NUMBER 33: I'm opening up a wellness studio in
11 Cahaba Heights, and our grand opening is August the 10th,
12 and it's not complete. And I'm the sole owner of it and in
13 charge of all the construction and getting everything
14 together. So I'm already paying rent on the facility.
15 And, also, our family vacation to New York is prepaid, and
16 we're leaving on Friday and coming back on Monday, this
17 Friday and Monday.

18 THE COURT: Thank you, Number 33. Will you please pass
19 the microphone down to Number 42, please?

20 Number 42.

21 JUROR NUMBER 42: Yes. Like I was saying this morning,
22 due to health conditions, recently being in the hospital,
23 and my wife's operation, I do not feel I will be able to
24 totally concentrate on this as the way I should.

25 THE COURT: When is your wife's operation?

1 JUROR NUMBER 42: It's on the 9th.

2 THE COURT: Of July?

3 JUROR NUMBER 42: Yes, sir.

4 THE COURT: And, remind me again, is it an outpatient
5 or inpatient operation?

6 JUROR NUMBER 42: It's outpatient. She'll go in in the
7 morning and come out sometime that day. I don't know why.
8 There's nobody else to be there for her. It's just her and
9 I immediate family.

10 THE COURT: Okay. Thank you, sir. Can you pass the
11 microphone down to Number 39, who's on the same row as you,
12 please? Number 39.

13 JUROR NUMBER 39: As much as I would love to do it, I'm
14 in an active job search for -- the school year just ended.
15 And I currently do not have any employment for the next
16 school year. And so I need these weeks to interview and
17 praying that I get a job. My daughter's in college, and I
18 have a son in high school. And so I'm just trying to get
19 kind of set up for the fall semester, the fall school year.
20 And this is the time when they are offering jobs for a
21 school counselor.

22 THE COURT: And so you're worried that in the middle of
23 this trial you may have an interview that you will need to
24 go to?

25 JUROR NUMBER 39: I'm praying.

1 THE COURT: And as of now, there's nothing lined up; is
2 that correct?

3 JUROR NUMBER 39: I've applied for seven positions in
4 my current county. There is not any jobs available. But
5 that may change at the very last minute before the school
6 year.

7 THE COURT: Thank you very much. Can you pass the
8 microphone two rows behind you to Number 52, please?

9 JUROR NUMBER 52: I work for a multifamily complex in
10 Cullman, Alabama. I'm the only maintenance guy there. And
11 my sister property is over an hour away from that area. So
12 if there's any water leaks or, you know, major stuff like
13 that -- now, AC's and stuff like that can wait till the end
14 of the day. But if there's a water leak and there's over
15 an hour for somebody to get there, that's kind of a big
16 issue for me, so.

17 THE COURT: Thank you. For the lawyers, let me start
18 with the government. Any follow-up questions for any of
19 these jurors?

20 MS. MARK: No, Your Honor.

21 THE COURT: Mr. Gilbert's team, any questions for --

22 MR. ESSIG: No, Your Honor.

23 THE COURT: What about Mr. McKinney?

24 MR. McKNIGHT: No, Your Honor.

25 THE COURT: Thank you. And then Mr. Roberson?

1 MR. BLOOMSTON: No, sir, Your Honor.

2 THE COURT: Thank you.

3 Ladies and gentlemen, some of the persons who may
4 testify in this case may be government case agents or
5 government employees. Is there anyone here who believes or
6 who would view witnesses from the government to be more
7 credible than witnesses who were not affiliated with the
8 government?

9 Bad question, so let me try to see if I can do a better
10 job.

11 Is there anyone here who believes that folks that work
12 for the government or any of its agencies are just
13 automatically more credible than nongovernment employees?

14 Ladies and gentlemen, I am going to turn it over now to
15 the government, to Ms. Mark. She will begin her
16 examination.

17 We've been at it for about an hour. Why don't I give
18 you guys a break to stretch your legs and to use the
19 facilities before we begin so I don't cut off in the middle
20 to give you guys any breaks. She will have roughly an
21 hour, so I think a break now makes sense.

22 There's a lot of you. Let's take five or ten minutes.
23 I'm going to keep everyone else here in the courtroom for
24 now to let you guys use the restrooms first if you're so
25 inclined. Please come back in no more than 10 minutes max.

1 (Recess.)

2 THE COURT: Ladies and gentlemen, please give Ms. Mark
3 the same courtesy that you've given me. She's going to ask
4 you some questions now.

5 Ms. Mark, when you are ready, you may begin.

6 MS. MARK: Thank you, Your Honor.

7 Good afternoon. We thank you for being here. I think
8 I can say that on behalf of all of the attorneys that are
9 here today, that we appreciate your time, we appreciate
10 your attention, and we mostly appreciate your patience
11 because selecting a jury is a process. And we all want to
12 find a group of people who can be fair and impartial. And
13 that's our goal today.

14 You've all been gracious enough to tell a little bit
15 about yourself, so I'll tell you a little bit about me. My
16 name is Robin Mark. I'm an Assistant United States
17 Attorney. I've been working at the U.S. Attorney's Office
18 for about 6 years, and I've been practicing law for a total
19 of about 15 years.

20 I'm from here in Birmingham, went to high school here.
21 And I'm looking forward to getting to know all of you
22 today.

23 So with that in mind, since you all had a moment to
24 introduce yourselves, while you were introducing
25 yourselves, did anyone happen to recognize any of your

1 fellow jurors? I find that when we do jury selection, we
2 will have high school classmates or someone that you knew
3 from work or in the past. So if anybody recognizes any of
4 your fellow jurors, can I have a hand up?

5 Wow. Quite a few. Okay. We will start over here on
6 the left. Tell us your juror number first.

7 JUROR NUMBER 2: I'm Juror Number 2. And this lovely
8 juror was my daughter's PE coach.

9 MS. MARK: And what juror number are you?

10 JUROR NUMBER 10: Number 10.

11 MS. MARK: Number 10. Okay. Thank you very much. And
12 did you recognize her?

13 JUROR NUMBER 10: Yes. Not as quickly because I teach,
14 like, 730 kids every day. Over 13 years, that's a lot of
15 students and parents. But, yes, I did.

16 MS. MARK: Very good. Anybody else on this second row
17 that you recognize a fellow juror?

18 JUROR NUMBER 8: I'm Juror Number 8, and I recognized
19 someone in -- my pharmacist that I go to his pharmacy.

20 MS. MARK: Okay. Very good. How about on the third
21 row? Any hands? Fourth row? And how about the last row?

22 All right. I think I saw a lot of hands on this side
23 of the room. So pass the microphone over to my right and
24 tell me who you recognize.

25 JUROR NUMBER 31: I'm Juror 31. I recognize my

1 classmate, but she didn't recognize me.

2 MS. MARK: All right. Very good. Anybody else?

3 JUROR NUMBER 32: I'm Juror 32, and I recognize a legal
4 assistant at my former law firm.

5 JUROR NUMBER 33: I am Juror 33, and I recognized a
6 classmate from high school back there somewhere.

7 MS. MARK: Anybody else on this first row?

8 JUROR NUMBER 34: I'm Juror 34, and I recognize a
9 friend of my wife's.

10 JUROR NUMBER 39: I recognize two people: him, and I
11 worked with her.

12 MS. MARK: Tell us your juror number.

13 JUROR NUMBER 39: I'm 39.

14 MS. MARK: Very good.

15 JUROR NUMBER 38: I'm 38, and I recognized her. I
16 don't really know her but recognized her, if that makes
17 sense. And then he grew up with my dad.

18 MS. MARK: And who are you?

19 JUROR NUMBER 40: 40.

20 MS. MARK: Juror Number 40. All right.

21 Anybody else in the next row?

22 JUROR NUMBER 50: I'm Juror Number 50, and I worked
23 with her.

24 MS. MARK: Who? Which?

25 JUROR NUMBER 39: Me.

1 MS. MARK: You're Juror Number?

2 JUROR NUMBER 39: 39.

3 MS. MARK: 39. Okay.

4 JUROR NUMBER 55: I'm Juror Number 55, and I recognize
5 Juror Number 8 as my customer.

6 THE COURT: Okay. Very good. All right. Thank you.
7 So -- oh, we have one more. Yes.

8 JUROR NUMBER 56: Right. I recognized the lady in the
9 front row. We went to high school together. Facebook
10 friends. Could ask her again, "How was the trip last
11 week?"

12 MS. MARK: And what juror number are you?

13 JUROR NUMBER 56: 56.

14 MS. MARK: 56.

15 So two of the defendants in this case, Joel Gilbert and
16 Steve McKinney, work at the law firm of Balch & Bingham.
17 And we have already heard a few people who work or have
18 previously worked at Balch & Bingham. So other than those
19 three individuals, does anybody else do work with Balch &
20 Bingham? And when I say that, I mean do you use Balch &
21 Bingham as your law firm or have you ever done any work
22 with the law firm Balch & Bingham?

23 And I'll start on my left. Anybody? Raise your hand
24 if you have ever worked with the law firm Balch & Bingham.

25 Okay. To the right.

1 JUROR NUMBER 39: I didn't work, but my brother did.

2 MS. MARK: And tell me your jury number.

3 JUROR NUMBER 39: 39.

4 MS. MARK: 39. And I'm sorry. I will continue to ask
5 for juror numbers for Ms. Lewis and for all of these ladies
6 and gentlemen.

7 And he worked with?

8 JUROR NUMBER 39: My brother worked with them.

9 MS. MARK: Okay. And who's your brother?

10 JUROR NUMBER 39: Earl Parsons.

11 MS. MARK: Okay. And used to work there?

12 JUROR NUMBER 39: Yes.

13 MS. MARK: Where does he work now?

14 JUROR NUMBER 39: He is retired from Southern Company.
15 He's an attorney.

16 MS. MARK: How long was he with Southern Company?

17 JUROR NUMBER 39: Well, he's 50. He retired young. I
18 mean, he's been there since -- I think he left them -- I
19 don't -- I really don't know. I don't know how to tell you
20 that. But I know he was at Southern Company for quite some
21 time.

22 MS. MARK: Okay. All right.

23 Anyone else? Yes, sir. Tell us your number.

24 JUROR NUMBER 51: Juror 51.

25 MS. MARK: 51.

1 JUROR NUMBER 51: A client of mine uses Balch & Bingham
2 as their primary counsel, and occasionally that overlaps
3 when I'm explaining things.

4 MS. MARK: Tell me again what you do.

5 JUROR NUMBER 51: Certified public accountant.

6 MS. MARK: Do you have interactions with Balch &
7 Bingham on behalf of that client?

8 JUROR NUMBER 51: My immediate boss does. I do not.

9 MS. MARK: Similar question -- was that a hand? Okay.
10 Similar question, does anyone know anyone who works at the
11 law firm Balch & Bingham? Other than what we've already
12 discussed, do you know anyone who works there either as a
13 lawyer or as a legal assistant, in IT? Anyone? Yes, sir.
14 Tell us your number.

15 JUROR NUMBER 5: Juror 5. My wife's best friend works
16 for Balch & Bingham, I believe. She's involved with the
17 event planning side of things or marketing.

18 MS. MARK: And do you know who that is?

19 JUROR NUMBER 5: Madelyn Reeves.

20 MS. MARK: You said it's your wife's --

21 JUROR NUMBER 5: My wife's best friend.

22 MS. MARK: Best friend?

23 JUROR NUMBER 5: Good friend.

24 MS. MARK: Anyone else know anyone who is employed at
25 Balch & Bingham?

1 Okay. The third defendant in this case, David
2 Roberson, is employed by Drummond Coal Company. Is there
3 anyone here who has ever worked for or worked with or has a
4 close family member or friend who works for Drummond Coal
5 Company? Anyone on the left?

6 JUROR NUMBER 5: I graduated high school with some of
7 the Drummond family.

8 MS. MARK: And you're Juror Number 5?

9 JUROR NUMBER 5: Juror Number 5.

10 MS. MARK: Do you still keep in touch with any of them?

11 JUROR NUMBER 5: Social media-wise, yes.

12 MS. MARK: Anyone else?

13 JUROR NUMBER 9: I went to college with a girlfriend
14 that married a Drummond.

15 MS. MARK: And what was your juror number?

16 JUROR NUMBER 9: 9.

17 MS. MARK: Do you still keep in touch with them?

18 JUROR NUMBER 9: (No audible answer.)

19 MS. MARK: Anybody on the left? I think I see a hand
20 in the back. Yes, sir. Oh, I'm sorry. I thought you had
21 your hand up.

22 JUROR NUMBER 28: I've got a lot of friends work over
23 there.

24 MS. MARK: You have friends who work at Drummond?

25 JUROR NUMBER 28: Yeah. It's right around the corner

1 from me.

2 MS. MARK: Can you tell us your juror number?

3 JUROR NUMBER 28: Juror 28.

4 MS. MARK: 28?

5 JUROR NUMBER 28: Yeah.

6 MS. MARK: Thank you, sir.

7 Is it on? Is that on?

8 THE COURT: It's on.

9 MS. MARK: I think you have to hold it really close.

10 Okay. Anyone on the right that knows someone at

11 Drummond? Yes, ma'am?

12 JUROR NUMBER 53: I worked on one case at my former law
13 firm years ago. And I don't remember any of the parties
14 that were part of Drummond, but Drummond was the client.

15 MS. MARK: Okay. And what law firm did you work at?

16 JUROR NUMBER 53: Ogletree Deakins.

17 MS. MARK: And Drummond was the client?

18 JUROR NUMBER 53: Uh-huh.

19 MS. MARK: Do you remember if it was any particular
20 division of Drummond?

21 JUROR NUMBER 53: Mining?

22 MS. MARK: Okay. Did you interact with any of the
23 individuals at Drummond doing that work?

24 JUROR NUMBER 53: No.

25 MS. MARK: The defendants in this case are, as I said,

1 Joel Gilbert, Steve McKinney, and David Roberson. They
2 were introduced at the beginning of this case. Does anyone
3 know or have any association with any of them? And when I
4 say that, I mean, do you recognize them, that you go to
5 church with them or their family or play little league or
6 have -- anybody recognize any of the defendants?

7 Yes. And will you tell us your juror number?

8 JUROR NUMBER 32: 32.

9 MS. MARK: Okay. And you've already told us that you
10 previously worked at Balch?

11 JUROR NUMBER 32: That's correct.

12 MS. MARK: And that you also know Mr. Roberson?

13 JUROR NUMBER 32: Correct.

14 MS. MARK: Thank you.

15 During this case, there will be testimony and evidence
16 about a Superfund site that's located in North Birmingham.
17 It's commonly referred to as the 35th Avenue North
18 Birmingham Superfund site. Does anybody know or are you
19 familiar with the North Birmingham Superfund site? Anyone?
20 I don't see any hands on the left.

21 Yes, sir, I see you nodding your head. I believe you
22 told us that you're familiar with the site.

23 JUROR NUMBER 28: Yes.

24 MS. MARK: Okay. Anyone else familiar with the North
25 Birmingham Superfund Site?

1 Yes, sir. Get the microphone to you.

2 JUROR NUMBER 52: I've just read about it before.

3 That's it.

4 MS. MARK: I'm sorry?

5 JUROR NUMBER 52: I've just read about it before.

6 That's it.

7 MS. MARK: Okay.

8 JUROR NUMBER 52: Oh. 52. I'm sorry.

9 MS. MARK: 52?

10 JUROR NUMBER 52: Yeah.

11 MS. MARK: And where did you read about it?

12 JUROR NUMBER 52: An EPA website, I believe.

13 MS. MARK: And why were you on the EPA website?

14 JUROR NUMBER 52: Because I'm a nerd.

15 MS. MARK: All right.

16 THE COURT: That's fair.

17 MS. MARK: Very good.

18 So does anyone happen to live in the North Birmingham
19 Superfund site area? Okay.

20 So I have a list of some companies and entities that
21 may be mentioned during the course of this case, and I want
22 to read through the list. We'll try to move through this
23 pretty quickly. And as I read through them, I'll look to
24 see if anybody has any hands that you recognize mostly
25 companies or organizations, and I'll ask you how do you

1 recognize them, what do you know about them.

2 Some of these are things that you will know about. But
3 what I'm wanting to know is if you've ever worked with
4 these companies or for any of these companies or have any
5 close association with them.

6 The first one is the City of Birmingham, which I know
7 we have a lot of residents who live in Birmingham, and
8 that's not what I'm asking. Has anybody ever worked for or
9 with the City of Birmingham? Yes, ma'am.

10 JUROR NUMBER 8: Number 8. I do teach for Birmingham
11 City Schools.

12 MS. MARK: Okay. Thank you. Anybody else, City of
13 Birmingham?

14 Next one is the City of Tarrant. Does anybody work
15 with or ever worked with the City of Tarrant?

16 All right. Southeast --

17 THE COURT: Ms. Mark, I think you have Juror Number
18 -- I think.

19 JUROR NUMBER 13: Juror Number 13. I actually work in
20 Tarrant and do a lot of the city work and stuff with --

21 MS. MARK: Okay. Do you ever attend any Tarrant
22 Chamber of Commerce meetings?

23 JUROR NUMBER 13: They actually come out to Kamtek, a
24 lot of the city will -- will come out, and actually the
25 City of Birmingham, for different events that we have.

1 MS. MARK: Okay. What is Kamtek?

2 JUROR NUMBER 13: It's a management company. We do
3 automotive. So there was a big push for City of Birmingham
4 funding and working with our management team.

5 MS. MARK: And is it located in Tarrant?

6 JUROR NUMBER 13: Yes.

7 MS. MARK: Okay. Thank you.

8 Anyone else on City of Tarrant?

9 Southeast Engineering & Consulting? Is anybody
10 familiar with or ever worked with Southeast Engineering &
11 Consulting? And they're sometimes referred to as SEC, but
12 it's not the football -- not the football SEC.

13 What about Strada Professional Services? Does anybody
14 recognize that as a company that you know or have ever
15 worked with? Strada Professional Services?

16 Okay. Matrix? Has anybody ever worked with or know
17 anyone who works for Matrix?

18 The Oliver Robinson Foundation? Is anyone familiar
19 with the Oliver Robinson Foundation?

20 Robinson & Robinson Communications? Is anyone familiar
21 with or ever worked with Robinson & Robinson
22 Communications?

23 All right. We're going to move through these quickly.
24 Partnering for Progress?

25 What about GASP? Is anyone familiar with or ever

1 worked with GASP?

2 What about JobKeepers? Anybody familiar with a group
3 called JobKeepers?

4 Manufacture Alabama?

5 All right.

6 JUROR NUMBER 21: Familiar with GASP, just from --

7 MS. MARK: Tell us your juror number, please.

8 JUROR NUMBER 21: 21. Just from hearing it on the
9 Internet.

10 MR. BLOOMSTON: What's your number?

11 MS. MARK: 21.

12 MS. HODGES: Could you stand up, please?

13 JUROR NUMBER 21: I'm familiar with GASP just through
14 Internet and Facebook posts. I don't have anything to do
15 with it personally, but I do read.

16 MS. MARK: All right. What about Business Council of
17 Alabama, sometimes referred to as BCA? Is there anyone
18 who's familiar with or has ever worked with BCA?

19 Birmingham Business Alliance? Is there anyone who is
20 familiar with or been to a Birmingham Business Alliance
21 meeting?

22 Yes, sir?

23 JUROR NUMBER 56: 56. I'm familiar with Birmingham
24 Business Alliance.

25 MS. MARK: Okay. How are you familiar with BBA?

1 JUROR NUMBER 56: Business growth, networking events.

2 THE COURT REPORTER: I'm sorry. "Business..."

3 JUROR NUMBER 56: Business growth and networking
4 events.

5 MS. MARK: How often do you attend BBA events?

6 JUROR NUMBER 56: Not often.

7 MS. MARK: Are you a member?

8 JUROR NUMBER 56: But I follow them -- no, I'm not a
9 member. I follow them in the media and -- that's it.

10 MS. MARK: Okay. Thank you.

11 Walter Coke -- Walter Energy -- which I think is now
12 ERP Coke Compliant, which I think we have somebody who
13 works for ERP now. Is anybody else familiar with or do you
14 have any close associates or know anybody who works for
15 what was formerly Walter Coke and is now ERP Compliant
16 Coke? Anyone? Yes.

17 JUROR NUMBER 1: I did their car tags. I did their car
18 tags and titles.

19 MS. MARK: Okay. All right. And how is it that you
20 came to do that?

21 JUROR NUMBER 1: I work in the revenue department, and
22 they brought their paperwork. ERP bought them, so they
23 brought in all their paperwork and their titles to get them
24 all transferred. So it was a big legal document like yea
25 thick. They brought even -- like I don't even know.

1 MS. MARK: Okay. Very good.

2 How about KMAC? KMAC Recycling & Industrial Services?

3 Is anyone familiar with or ever worked with KMAC?

4 Thompson Tractor? Is anyone familiar with or ever
5 worked with Thompson Tractor? Oh, I see the one hand.

6 JUROR NUMBER 1: I did their car tags.

7 MS. MARK: More car tags. All right.

8 Did I see another hand for Thompson?

9 UNIDENTIFIED JUROR: I'm familiar with them. I don't
10 work for them.

11 THE COURT REPORTER: Can we have them stand, please?

12 MS. MARK: Yes.

13 THE COURT REPORTER: It's hard to hear. Could you
14 please stand and use the microphone?

15 UNIDENTIFIED JUROR: I'm familiar with them. I don't
16 work for them.

17 MS. MARK: Yes? Thank you.

18 JUROR NUMBER 33: I have a friend who works at Thompson
19 Tractor.

20 MS. MARK: Okay. And is it a close friend of yours?

21 JUROR NUMBER 33: Close family friend.

22 MS. MARK: Do you know what they do at Thompson?

23 JUROR NUMBER 33: Sales.

24 MS. MARK: I think there's someone behind you. If you
25 can pass the mic back.

1 JUROR NUMBER 41: I'm Juror Number 41. And my uncle
2 and my brother both worked there about all their life.

3 MS. MARK: Okay.

4 JUROR NUMBER 41: At Thompson Tractor Company.

5 MS. MARK: What did they do at Thompson?

6 JUROR NUMBER 41: My uncle was a mechanic for their
7 machinery, I think. And my brother, I don't know. He
8 drove one of their trucks and went out on sites, and I
9 don't really know what he did.

10 MS. MARK: Okay. Thank you.

11 How about ACIPCO, American Cast Iron Pipe Company? Is
12 anybody familiar with, ever worked with ACIPCO?

13 We have a juror on -- we'll start right here on the
14 front row, Number 5.

15 JUROR NUMBER 5: Juror Number 5. I've got a close
16 family friend who's been a nurse there for a long time.
17 And I've also got another family friend who is an engineer
18 there.

19 MS. MARK: Okay. All right. I think there was another
20 hand. Can you stand for us?

21 JUROR NUMBER 19: Sure.

22 MS. MARK: Thank you.

23 JUROR NUMBER 19: My girlfriend works there as a
24 process engineer.

25 MS. MARK: As a what?

1 JUROR NUMBER 19: Process engineer.

2 MS. MARK: Process engineer. Tell us your juror
3 number.

4 JUROR NUMBER 19: 19.

5 MS. MARK: 19.

6 Yes?

7 JUROR NUMBER 20: I'm familiar with but don't work
8 there. Do you want us to just stand up if we know what
9 these companies are?

10 MS. MARK: No --

11 JUROR NUMBER: Or I don't have any association --

12 MS. MARK: -- just if you've ever worked with them or
13 have a close friend or something who works there.

14 Yes, ma'am, on the right?

15 JUROR NUMBER 38: I'm Juror Number 38. And my -- I
16 don't know if this counts, but my fiancé's best friend's
17 dad is, like, one of their head engineers. But I don't
18 know him personally, but my fiancé' does.

19 MS. MARK: Okay.

20 JUROR NUMBER 38: If that makes any sense.

21 MS. MARK: It does. Thank you.

22 JUROR NUMBER 41: I'm Juror Number 41. My ex-husband
23 worked there for several years, and that's where we used
24 all their doctors.

25 MS. MARK: Okay. And what did he do at ACIPCO?

1 JUROR NUMBER 41: I don't really know, but it was in
2 the dirtiest spot they had. I mean, from head to feet,
3 black.

4 MS. MARK: All right. Thank you.

5 All right. Yes, ma'am. Thank you.

6 JUROR NUMBER 45: I'm Number 45. I get that one
7 confused with another company, but ACIPCO, do you know who
8 the CEO is there?

9 MS. MARK: Well, I can't answer questions.

10 JUROR NUMBER 45: You can't answer that question?
11 Okay. I -- if it's the right ACIPCO -- or ACIP -- you
12 know, there's several that had the same name. But David
13 Walker is a good friend of mine, and I can't remember -- so
14 if David Walker is in charge, is the head of ACIPCO or one
15 of the executives, he's a good friend of mine, our family.

16 MS. MARK: Thank you. All right. Just a couple more.
17 Nucor Steel?

18 JUROR NUMBER 1: I have a friend of mine that works for
19 a different company but is currently working at ACIPCO.

20 MS. MARK: Okay. All right. I see a hand on the third
21 row.

22 JUROR NUMBER 16: I'm Juror Number 16, and my
23 father-in-law works at Nucor Steel.

24 MS. MARK: Okay. How long has he worked at Nucor?

25 JUROR NUMBER 16: Several years. I don't know exact

1 numbers.

2 MS. MARK: Do you know what he does there?

3 JUROR NUMBER 16: I don't.

4 MS. MARK: Okay. That's all right.

5 Anybody else recognize Nucor Steel?

6 All right. Just a couple more.

7 Alabama Power? And I don't need to know if you get
8 your power from Alabama Power. I think we may have a few
9 people who, I think, mentioned that they either worked for
10 or had an association with Alabama Power. So I'm looking
11 to see if you or someone who's a close friend or associate
12 works at Alabama Power.

13 All right. Let's begin on the front row. And tell us
14 your number.

15 JUROR NUMBER 4: Juror Number 4. My nephew works at
16 Alabama Power.

17 MS. MARK: Do you know what he does there?

18 JUROR NUMBER 4: IT.

19 MS. MARK: Thank you.

20 JUROR NUMBER 5: Juror 5. Three fraternity brothers
21 work there.

22 MS. MARK: Do you know what they do?

23 JUROR NUMBER: They're -- one's -- oh, boy. He's not
24 an engineer, but he's got his master's in finance. He does
25 something along those lines. I've got another one who is

1 in accounting, and then another guy is like the head of
2 their IT.

3 MS. MARK: Thank you.

4 I think I saw a hand on the second row. If you'll pass
5 that.

6 JUROR NUMBER 10: I'm Juror Number 10, and I have a
7 close friend who is a lineman for Alabama Power.

8 MS. MARK: Very good.

9 JUROR NUMBER 17: My husband has done some work at
10 boiler plants for Alabama Power, doing inspecting of their
11 welding, of those things.

12 MS. MARK: Can you tell us your juror number, please?

13 JUROR NUMBER 17: 17.

14 MS. MARK: Going back to Juror Number 1, yes?

15 JUROR NUMBER 1: I deal with the people in the motor
16 vehicle division of Alabama Power.

17 MS. MARK: Okay. Very good. Was there anyone else on
18 my left side that has a close friend or you have ever
19 worked at Alabama Power? Okay. Get you the microphone.

20 JUROR NUMBER 31: Juror Number 31. I have a friend
21 that has a son that works at Alabama Power.

22 MS. MARK: Do you know what he does at Alabama Power?

23 JUROR NUMBER 31: No, I don't.

24 MS. MARK: Okay. Yes?

25 JUROR NUMBER 33: Juror Number 33. My brother-in-law

1 works for Alabama Power in the environmental area. And all
2 I know is he goes to Washington a lot.

3 MS. MARK: Okay. All right. Who is your
4 brother-in-law?

5 JUROR NUMBER 33: Thomas Wells.

6 MS. MARK: Pass the mic over.

7 JUROR NUMBER 34: Juror 34. I know a couple of
8 engineers and an engineering intern there.

9 MS. MARK: How do you know them?

10 JUROR NUMBER 34: Just personal friends.

11 MS. MARK: Friends? All right. Thank you.

12 JUROR NUMBER 35: I'm Juror Number 35. And when I was
13 in college -- and this was over 35 -- no, 40 years ago --

14 MS. MARK: Okay.

15 JUROR NUMBER 35: -- I worked at Alabama Power.

16 MS. MARK: Okay. What did you do there?

17 JUROR NUMBER 35: I was in the mailroom.

18 MS. MARK: Okay.

19 JUROR NUMBER 35: And glad to go back to school
20 whenever -- when the summer was over.

21 MS. MARK: Next.

22 JUROR NUMBER 49: Number 49. And my biological father
23 worked there from the time he was in his 20s until he
24 retired. But he's deceased now.

25 MS. MARK: Thank you.

1 JUROR NUMBER 39: 39. My dad retired from there as a
2 senior vice president about 18 years ago.

3 JUROR NUMBER 38: Juror Number 38. My fiancé working
4 for D.R. Horton, we get a lot of, like, incentives and
5 stuff like that. And we've been to, like, baseball games
6 and stuff and been in their -- like, their box. But I
7 don't -- their suite. I don't know their names, though,
8 the people.

9 MS. MARK: So your fiancé, does he do work with Alabama
10 Power?

11 JUROR NUMBER 38: Because he's a home -- like, he's a
12 superintendent, they, like, work with them but not, like,
13 closely, if that makes sense. Like, they call on them to
14 do their power. But I don't know how extensive that gets.

15 MS. MARK: All right. Thank you.

16 JUROR NUMBER 43: Juror Number 43. My husband works
17 for Alabama Power, and my dad's close friend does, too.

18 MS. MARK: And what does your husband do?

19 JUROR NUMBER 43: He is an electrical engineering
20 co-op.

21 MS. MARK: How long has he been at Alabama Power?

22 JUROR NUMBER 43: He just moved from Georgia Power. So
23 he's been there this whole summer. And so I think he'll
24 stay on until next May.

25 MS. MARK: Okay. Why till May?

1 JUROR NUMBER 43: That's when he'll graduate.

2 MS. MARK: Okay. All right.

3 Anybody else? Okay. In the back.

4 JUROR NUMBER 57: I'm Juror Number 57. And before I
5 met my fiancé, he used to work at Alabama Power, but I
6 don't know what he did.

7 MS. MARK: Okay. What does he do now?

8 JUROR NUMBER 57: He works for a general contractor's
9 company, insurance restoration.

10 MS. MARK: I'm sorry?

11 JUROR NUMBER 57: Insurance restoration.

12 MS. MARK: Okay.

13 Two more. Alagasco? Does anybody work with or have
14 any close friends or associates who work with Alagasco?

15 Yes, ma'am. Can you tell us your number?

16 JUROR NUMBER 27: Juror 27. My son works for Spire.

17 MS. MARK: Oh. Thank you.

18 Anyone else? Number 1.

19 JUROR NUMBER 1: I deal with the fleet people at Spire
20 now.

21 MS. MARK: Thank you.

22 Last one, U.S. Pipe? Does anybody work with or have
23 any close friends or associates who work with U.S. Pipe?

24 Yes, sir? Number 3.

25 JUROR NUMBER 3: I worked at their Bessemer plant for

1 33 years, so I know quite a few people out there.

2 MS. MARK: Thank you. What did you do at the plant?

3 JUROR NUMBER 3: I was an electrician.

4 JUROR NUMBER 22: Juror Number 22. My daughter worked
5 as the assistant HR person for U.S. Pipe.

6 MS. MARK: All right. Does she still work there?

7 JUROR NUMBER 22: No. She's been gone about eight
8 years.

9 MS. MARK: Thank you.

10 I think I have a couple hands --

11 JUROR NUMBER 43: Juror Number 43. And my dad works
12 with the company or something with U.S. Pipe. I don't know
13 how, but somehow.

14 MS. MARK: And on the last row?

15 JUROR NUMBER 56: 56. Close friend of mine is in sales
16 with U.S. Pipe.

17 MS. MARK: Is there any member of the jury venire that
18 has any training or experience in environmental sciences or
19 geology, environmental regulations, hazard waste, or
20 pollution? Anybody have any particular training or
21 experience in any of those particular fields?

22 What about anyone who's close to you or a close family
23 member? Does anybody have any environmental?

24 JUROR NUMBER 56: My wife is working on her master's in
25 public health, occupational health and safety focus,

1 environmental.

2 MS. MARK: All right. Tell us your juror --

3 JUROR NUMBER 56: I'm sorry. 56.

4 My dad was an OSHA guy, and so is my brother.

5 MS. MARK: Tell me again, where does your wife work?

6 JUROR NUMBER 56: A company called Shoreland.

7 MS. MARK: All right. Thank you.

8 JUROR NUMBER 48: I am Juror Number 48. My father
9 retired from the EPA. He was a chemist in the federal EPA
10 in Cincinnati.

11 THE COURT REPORTER: I'm sorry?

12 JUROR NUMBER 48: My father was -- is now a retired
13 chemist for the federal EPA.

14 JUROR NUMBER 3: Juror Number 3. I used to -- I helped
15 maintain some of the equipment and purified the water at
16 U.S. Steel for about five years.

17 MS. MARK: Okay. Thank you.

18 JUROR NUMBER 10: Juror Number 10. My second daughter
19 is almost finished with her degree in marine biology. And
20 she is down at Dauphin Island working and taking classes,
21 and it all has to do with conservation.

22 JUROR NUMBER 8: Number 8. My brother-in-law is a
23 geologist, and I think he's an industrial hygienist. And
24 he has his own business and does water testing and air
25 quality testing, things like that.

1 JUROR NUMBER 7: Juror Number 7. Part of my job
2 description is also deals with environmental waste and
3 hazards, and I'm required to take a training course yearly
4 in environmental safety.

5 MS. MARK: Any other hands-on training or experience in
6 environmental science?

7 We have one up here on the front row, please.

8 JUROR NUMBER 33: Juror Number 33. My brother-in-law
9 that I mentioned that works at Alabama Power talks a lot
10 about rivers and all of that. And whatever he does for
11 Alabama Power is all of what you said, but it all goes over
12 my head, so...

13 MS. MARK: Okay. Thank you.

14 Have you or anyone close to you ever been to the
15 Alabama Department of Environmental Management? And I'll
16 tell you that -- it's ADEM, is sometimes how it's
17 referred -- is located in Montgomery. It's a state agency.
18 So has anyone ever been to ADEM?

19 I see no hands.

20 Okay. Along some of those same lines, has anybody ever
21 or has anyone you're close with ever sought or obtained an
22 environmental permit, either from ADEM or from, like, the
23 Jefferson County Department of Health? Anybody?

24 Okay. I'm going to switch gears and talk a little bit
25 about the law. So does anyone here have any training or

1 experience in the law? And I know we have some lawyers and
2 legal assistants who work at law firms. But other than
3 those that we have already talked to, is there anyone who
4 has any education, training, or experience in the law? And
5 I'll start over here on the left.

6 Yes, sir?

7 JUROR NUMBER 11: I was a Jefferson County Sheriff's
8 Deputy for a little while.

9 THE COURT REPORTER: I'm sorry. Speak in -- again.

10 JUROR NUMBER 11: Jefferson County Sheriff's Deputy for
11 a little --

12 MS. MARK: What was your juror number?

13 JUROR NUMBER 11: 11.

14 MS. MARK: 11.

15 JUROR NUMBER 2: I'm Juror Number 2. I'm a represented
16 litigation bodily injury adjuster. So I participate in
17 mediations, strategy conferences, the trial strategy
18 conferences, and communicate on a daily basis with legal
19 professionals.

20 MS. MARK: Okay. Thank you. Pass the mic right behind
21 you.

22 JUROR NUMBER 7: There are yearly courses that I'm
23 required to take at the Mercedes production plant that
24 deals with compliance topics, laws, certain things.

25 MS. MARK: Thank you.

1 Anyone else on this left side, any training or
2 experience in the law? Okay. I'll turn to the left -- my
3 left -- my right. Your left. Does anybody on this side
4 have any training or experience in law, legal training?

5 All right. Does anyone on the panel have an opinion
6 about courts or trials or prosecutors that for any reason
7 makes you feel that you could not be fair or impartial in a
8 case like this or in a jury?

9 Have you or anyone close to you ever had a significant
10 dispute with a government agency? We'll exempt the tag
11 office. No disputes with the tag office.

12 Does anyone have any opinions, whether they were
13 positive or negative, about the Federal Bureau of
14 Investigation, the FBI? Any particular opinions, whether
15 they be negative or positive, about the FBI?

16 Yes, sir? Can you wait till we get a microphone to
17 you --

18 JUROR NUMBER 36: I'm Juror Number 36. I mean, I'm
19 sure everybody is aware of what's going on with the FBI.
20 So I've got negative opinions about that.

21 MS. MARK: Okay. Anyone else?

22 What about the IRS? And I don't just mean that you
23 have to pay taxes. Anything outstanding, anybody have any
24 issues or problems with the IRS?

25 JUROR NUMBER 3: Besides what --

1 MS. MARK: Besides just having to pay those taxes. All
2 right.

3 JUROR NUMBER 3: Besides them targeting different
4 political, like, conservatives?

5 MS. MARK: Okay. Who are you referring to?

6 JUROR NUMBER 3: There was a scandal in the IRS when
7 they were targeting conservatives, not giving them a status
8 for -- what do you call it? Huh? Nontaxables.

9 MS. MARK: Okay. And did you form an opinion about
10 that?

11 JUROR NUMBER 3: Of course.

12 MS. MARK: Okay.

13 JUROR NUMBER 3: I'm very conservative.

14 MS. MARK: Okay. Thank you.

15 Same question with respect to the Department of
16 Justice. And it's okay -- I work for the Department of
17 Justice -- to give me your opinions. Does anybody have any
18 particular positive or negative feelings about the
19 Department of Justice?

20 Have you or anyone close to you ever worked for a
21 state, local, or a federal government agency? Has anybody
22 worked for the government? Juror Number 1?

23 JUROR NUMBER 1: Juror Number 1. I work for the
24 county, and my mother worked for the county.

25 MS. MARK: Okay. Anyone else?

1 JUROR NUMBER 7: Does the military count?

2 MS. MARK: Yes, sir.

3 JUROR NUMBER 7: I served in the Marine Corps for eight
4 years.

5 MS. MARK: Thank you. Your number?

6 JUROR NUMBER 2: Has anybody that we know?

7 MS. MARK: Yes.

8 JUROR NUMBER 2: My brother works for missile defense
9 in Huntsville.

10 JUROR NUMBER 3: Three years Army.

11 MS. MARKS: Three years Army?

12 State your number.

13 JUROR NUMBER 9: Juror Number 9. My husband was in the
14 Marine Corps for 27 years.

15 JUROR NUMBER 10: I'm a --

16 MS. MARKS: Juror number?

17 JUROR NUMBER 10: Oh, sorry. Juror Number 10. I'm a
18 Shelby County Board teacher, so for the state. My father
19 was in the military for 12 years, and my brother was in the
20 military for 6 years, and my brother and my sister-in-law
21 both work in St. Louis for the military still.

22 MS. MARK: Okay. Thank you.

23 JUROR NUMBER 17: 17. I was in the Army National Guard
24 for six years a long time ago. I had two brothers in the
25 Air Force many years ago.

1 JUROR NUMBER 22: Juror Number 22. U.S. Navy for nine
2 years.

3 JUROR NUMBER 27: Juror Number 27. In my repertoire, I
4 have worked for Jefferson County Department of Revenue,
5 Alabama Air National Guard 117th, and probably one or two
6 other places on a part-time basis.

7 MS. MARK: All right.

8 JUROR NUMBER 31: Juror Number 31. My great-nephew is
9 in the Army Reserve.

10 JUROR NUMBER 32: Juror 32. I was a law clerk here 30
11 years ago for the late Judge Acker.

12 JUROR NUMBER 33: Juror 33. My other brother-in-law is
13 20 years in the Army, Fort Lee.

14 JUROR NUMBER 34: Juror 34. 30 years in the Army
15 Reserve and active duty. And my wife works for the Shelby
16 County Board of Education.

17 JUROR NUMBER 35: Juror 35. I worked 32 years for the
18 State of Alabama.

19 JUROR NUMBER 36: What was the question?

20 MS. MARK: Thank you. The question was have you or
21 anyone close to you ever worked for a state, local, or
22 federal government agency?

23 JUROR NUMBER 36: No.

24 MS. MARK: Okay.

25 JUROR NUMBER 39: Juror 39. Shelby County Board of

1 Education and with mental health.

2 JUROR NUMBER 38: Juror 38. My mom and my aunt work
3 for the Jefferson County Board of Education.

4 JUROR NUMBER 37: Number 37. I have a daughter that
5 works for Jefferson County Board of Education.

6 MS. MARK: Okay. Thank you.

7 JUROR NUMBER 43: Juror Number 43. I work for Chilton
8 County Board of Education.

9 JUROR NUMBER 44: One of my cousins was a Marine, and
10 my other cousin is currently in Afghanistan. 44.

11 MS. MARKS: What was your juror number?

12 JUROR NUMBER 44: 44.

13 MS. MARKS: 44. Thank you.

14 JUROR NUMBER 45: 45. Vestavia City School System.

15 JUROR NUMBER 48: Juror 48. I worked for the State of
16 Kentucky for two years. My father worked for the federal
17 EPA. I have many, many family members who are active or
18 retired military members, all branches, including an uncle
19 who was a judge advocate general.

20 JUROR NUMBER 54: Juror Number 54. My dad was in the
21 Air Force, and I work for Alabaster City Schools.

22 JUROR NUMBER 53: Number 53. My sister was in the
23 military, and I was director of administrative services at
24 a Virginia state psychiatric hospital. And I was an
25 analyst for the VA Hospitals in Virginia for two years.

1 JUROR NUMBER 50: Juror Number 50. And I work for
2 Shelby County Board of Education.

3 JUROR NUMBER 57: Juror Number 57. And my dad was in
4 the Air Force, and my uncle was a Marine.

5 JUROR NUMBER 58: Number 58. I have a nephew that's
6 serving in the Army Reserve.

7 THE COURT REPORTER: I can't hear you.

8 JUROR NUMBER 58: 58. I have a nephew in the Army
9 Reserve.

10 MS. MARK: We're going to come right back up here to
11 this front row. Tell us your number.

12 JUROR NUMBER 31: 31. My sister-in-law and my niece
13 work for the Shelby County Board of Education.

14 JUROR NUMBER 1: Juror Number 1. My best friend works
15 for the State of Alabama, and my adoptive father retired
16 from the U.S. Army.

17 MS. MARK: Okay.

18 JUROR NUMBER 8: Number 8. I work for Birmingham Board
19 of Education, and my brother retired from the Navy.

20 JUROR NUMBER 16: Number 16. My father-in-law was in
21 the Army, as well as my cousin. And I also work for Blount
22 County Board of Education. My aunt works for Shelby
23 County, as well as several of my cousins.

24 MS. MARK: All right. I think that's --

25 JUROR NUMBER 30: Number 30. I'm retired from Hoover

1 City Schools, and my husband was in the Army for five years
2 and a West Point graduate.

3 MS. MARK: Thank you.

4 We're going to switch gears a little and talk about the
5 environment. Who here would say that they do not have any
6 concerns about soil, water, or air quality in Birmingham?
7 And I'll say that again.

8 Who here would say that you do not have any concerns
9 about soil, water, or air quality in Birmingham?

10 Does any member of the panel believe that industrial
11 businesses in Alabama do a good job of keeping the
12 environment clean?

13 Juror Number 1.

14 JUROR NUMBER 1: I mean, I think they do a good job of
15 doing that.

16 MS. MARK: Okay. Juror Number 3, you're laughing, I
17 can see. Tell me.

18 JUROR NUMBER 3: I think they all try to slide under
19 the table.

20 MS. MARK: What do you mean by that?

21 JUROR NUMBER 3: I think they all pollute and they get
22 away with it in some way or another.

23 MS. MARK: Who is "they"?

24 JUROR NUMBER 3: Every industrial.

25 MS. MARK: And what is it that you think they get away

1 with?

2 JUROR NUMBER 3: I think they pollute the waterways,
3 the air. Some more than others.

4 MS. MARK: Okay. Anyone else?

5 JUROR NUMBER 10: Can you go back to your first
6 question when you said that we do not have any problems
7 with it? I do have a problem with it. Because when we
8 want to go kayaking, we -- I'm Juror Number 10. Sorry. We
9 have to check the water. We have to make sure the water in
10 the Cahaba is safe. If we want to go out to the lake
11 house, we have to make sure that no one has an open wound
12 so that nobody gets infections or all kinds of crazy stuff.
13 We get -- somebody in our group at the lake gets an eye
14 infection every year from whatever the yuck is in the
15 water, and it didn't used to be that way. So I do have
16 concerns.

17 MS. MARK: Thank you. Thank you for telling me that.

18 Anyone else believe that industrial businesses in
19 Alabama do a good job of keeping the environment clean?

20 Yes, sir?

21 JUROR NUMBER 52: Juror 52. I think that they do a
22 fine job because of the EPA regulations and being checked
23 on all the time.

24 MS. MARK: Can you say that one more time a little
25 slower?

1 JUROR NUMBER 52: I'm sorry. I think they do a good
2 job because they're routinely inspected by the EPA and
3 local government. So I think they do fine.

4 MS. MARK: All right. Does anyone believe that EPA
5 harms local industry and the economy?

6 Does anyone believe that EPA is politically motivated?

7 I'm going to switch gears and talk a little bit about
8 community outreach. Some of the things that will come up
9 during the course of this case relate to what's called
10 community outreach or campaigns. Does anyone have any
11 education or experience first in, like, public relations,
12 advertising, or community outreach?

13 No? Have you or anyone close to you ever participated
14 in a political campaign?

15 Yes, sir?

16 JUROR NUMBER 34: My wife ran for office this last --
17 last cycle.

18 MS. MARK: Okay. Tell us your number.

19 JUROR NUMBER 34: 34.

20 MS. MARK: 34? And what office did she run for?

21 JUROR NUMBER 34: Shelby County Superintendent of
22 Education.

23 MS. MARK: Okay.

24 JUROR NUMBER 46: My daughter right now in Las Vegas
25 joined the senator this election.

1 MS. MARK: Okay. And which senator is that?

2 JUROR NUMBER 46: It's the Democrat. Jacky Rosen.

3 MS. MARK: And what will she be doing with him?

4 JUROR NUMBER 46: She's a Harvard college student,
5 second year. Because the senator put advertisement in
6 Harvard College just for the internship that my daughter
7 right now joined in Las Vegas.

8 MS. MARK: Okay. Anyone else? I see a hand in the
9 back.

10 UNIDENTIFIED JUROR: Can you repeat the question?

11 MS. MARK: Has anyone ever participated in a political
12 campaign?

13 JUROR NUMBER 57: So a gentleman that I'm friends with
14 at work is also the mayor of my town.

15 MS. MARK: Okay. And have you helped in any way with
16 his campaign?

17 JUROR NUMBER 57: Uh-uh. No.

18 THE COURT REPORTER: Juror number?

19 MS. MARK: And can you tell us your juror number?

20 JUROR NUMBER 57: 57.

21 MS. MARKS: Thank you.

22 JUROR NUMBER 56: 56. I've posted signs and other
23 things for our presidential campaign.

24 MS. MARK: Can you please speak up just a little?

25 JUROR NUMBER 56: For presidential campaign, I've

1 posted signs, yes. And participated.

2 MS. MARK: And which candidate was that?

3 JUROR NUMBER 56: Let's see. That was Robertson back
4 in '90. I think that was in 1990. Robertson maybe.

5 MS. MARK: Is that the only time you've ever
6 participated in a political campaign?

7 JUROR NUMBER 56: Yes.

8 MS. MARK: Thank you.

9 Did I see any hands on this side?

10 Yes, sir?

11 JUROR NUMBER 19: Juror 19. My girlfriend helped in
12 the Ron Paul presidential campaign, two thousand whenever
13 it was.

14 MS. MARK: Okay.

15 JUROR NUMBER 31: 31. My best friend helped in the
16 Democratic campaign this past year.

17 MS. MARK: Okay. All right.

18 What about same question but a little different. Have
19 you ever participated in a campaign that is a grassroots
20 campaign? Something like for a cause -- not for a
21 candidate, but for a cause. Maybe for an amendment or
22 something of that sort. Has anybody ever participated in a
23 grassroots campaign? Anyone?

24 Yes, ma'am?

25 JUROR NUMBER 8: Number 8. My husband and daughter and

1 I -- I don't know if this counts -- but marched recently in
2 the gun control march that we had here in Birmingham. So
3 we participated in that.

4 MS. MARK: Okay. Thank you.

5 Anyone else?

6 Does anyone belong to any particular groups that
7 advocate for a certain cause or certain viewpoint? I know
8 we heard membership in NRA earlier. So something similar
9 to that. Does anyone belong to any organizations that
10 advocate for a specific cause?

11 All right. We've got some hands up here on the front.

12 JUROR NUMBER 10: I'm Juror Number 10, and I belong to
13 the NRA.

14 JUROR NUMBER 5: Juror Number 5. Our church actively
15 supports pro-life companies.

16 MS. MARK: Okay.

17 JUROR NUMBER 8: Number 8. I belong to AEA, which
18 advocates on educational issues.

19 JUROR NUMBER 7: I missed it earlier, but I do
20 belong -- Juror Number 7 -- belong to the VFW.

21 MS. MARK: Thank you.

22 Do I see any other hands on the left side?

23 JUROR NUMBER 30: 30. AEA.

24 JUROR NUMBER 44: 44. I do work for Sav-A-Life
25 Pregnancy Resource Center, so I am pro-life.

1 MS. MARK: Okay. What kind of work do you do there?

2 JUROR NUMBER 44: I'm the summer intern.

3 MS. MARK: Okay.

4 JUROR NUMBER 44: So, yeah, I help the sonographer do
5 ultrasounds.

6 JUROR NUMBER 34: Juror 34. NRA.

7 MS. MARK: Pass that microphone back, please.

8 JUROR NUMBER 48: Juror 48. I recently became a member
9 of Alabama Rivers Alliance to create a water plan for the
10 State of Alabama.

11 MS. MARK: All right.

12 JUROR NUMBER 54: 54. I'm a member of AEA.

13 MS. MARK: So I had an answer to this question a minute
14 ago, but I'll open it up to the whole group. Has anyone or
15 anyone close to you ever run for a political office? I
16 know we have one up front, but anyone else? Is there
17 anyone close to you or have you personally ever run for a
18 political office?

19 JUROR NUMBER 34: Juror 34. Again, my wife ran for
20 Shelby County Education Superintendent.

21 MS. MARK: Anyone else?

22 JUROR NUMBER 39: And I'm friends with his wife, so we
23 helped campaign for her to win, for the campaign.

24 MS. MARK: All right. What kind of things did you do
25 for the campaign?

1 JUROR NUMBER 39: It was strictly on Facebook, just
2 advertising on Facebook, so.

3 MS. MARK: All right. So if you live in a neighborhood
4 association that has a group that governs your
5 neighborhood, does anyone belong on the neighborhood
6 association board? Or maybe there's a planning or zoning
7 group.

8 Yes?

9 JUROR NUMBER 49: Juror Number 49. And I have served
10 on the board at Limestone Springs where I live. And I
11 don't currently. My husband has that job now. I passed it
12 off.

13 MS. MARK: Okay.

14 JUROR NUMBER 49: But yes --

15 THE COURT REPORTER: What was that, please?

16 MS. MARK: Tell me your number again.

17 JUROR NUMBER 49: 49.

18 THE COURT REPORTER: You served on the board of what?

19 JUROR NUMBER 49: Limestone Springs Homeowners
20 Association. It's in Blount County.

21 MS. MARK: Anyone else? Has anyone else ever served on
22 their neighborhood association, a board, or in a leadership
23 position?

24 What about a city council meeting? Has anybody ever
25 attended their local city council meeting? Yes.

1 JUROR NUMBER 31: 31. Montevallo.

2 MS. MARK: The City of Montevallo?

3 JUROR NUMBER 31: The City of Montevallo.

4 MS. MARK: And why did you attend?

5 JUROR NUMBER 31: I had some issues with paving of our
6 streets in our community, the highway, the roads. And that
7 was the issue.

8 MS. MARK: All right.

9 JUROR NUMBER 32: 32. I attend them because of my
10 work. I do public finance work, so I'm frequently in front
11 of city councils.

12 MS. MARK: All right. I think I saw a few other hands.

13 JUROR NUMBER 58: Number 58. I attended Hoover City
14 Council meetings having to do with some rezoning in the
15 Trace Crossings area.

16 MS. MARK: Was that personally or on behalf of a
17 business?

18 JUROR NUMBER 58: Personally. I'm a homeowner.

19 MS. MARK: And why did you want to attend that meeting?

20 JUROR NUMBER 58: I wanted to see what they were doing,
21 what the plans were. They were going to add some
22 businesses possibly, and so there was some debate as to
23 what actually was going in there and, you know.

24 THE COURT: 15 minutes.

25 MS. MARK: All right. Thank you, Your Honor.

1 JUROR NUMBER 10: I attended a Calera City Council
2 meeting, and it was on zoning, because we did not want them
3 to construct apartment buildings right outside of our
4 subdivision when I lived there a couple years ago.

5 MS. MARK: Did you speak or just attend?

6 JUROR NUMBER 10: I just attended. But before I just
7 attended, I went through and went to every single person's
8 house in our neighborhood and talked to all of them and got
9 everybody to come, but I did not speak.

10 MS. MARK: Okay. Thank you.

11 JUROR NUMBER 11: I was the president of Local 1288 for
12 the firefighters in Homewood, and I attended for about
13 eight years.

14 MS. MARK: And what would you attend?

15 JUROR NUMBER 11: Number 10 juror.

16 MS. MARK: Would you attend the city council meetings?

17 JUROR NUMBER 11: City council.

18 MS. MARK: And what city was that?

19 JUROR NUMBER 11: City of Homewood.

20 MS. MARK: Did you give us your juror number?

21 JUROR NUMBER 11: 10. I mean -- excuse me -- 11.

22 MS. MARK: Thank you.

23 JUROR NUMBER 1: Juror Number 1. I attend Jefferson
24 County Commission meetings just so I can try to stay
25 informed of what goes on.

1 MS. MARK: Very good.

2 I see a hand on the third row.

3 JUROR NUMBER 18: Juror 18. Previous question, you
4 asked about homeowners association. I have served on a
5 homeowners association in another state previously. And
6 I've been to a city council meeting when our neighborhood
7 was going to be annexed into Alabaster and once again about
8 zoning for building outside our neighborhood.

9 MS. MARK: Anyone else?

10 Yes, sir? We have a hand here on the front.

11 JUROR NUMBER 37: Juror 37. I attended the Morris City
12 Council meeting several years ago when they were trying to
13 do some strip mining in the area I live in.

14 MS. MARK: Okay. And did you speak or --

15 JUROR NUMBER 37: I did not speak, no.

16 MS. MARK: Did you have a concern about what they were
17 doing?

18 JUROR NUMBER 37: Yes, I had concern about them strip
19 mining behind my house, I did.

20 MS. MARK: Okay. Thank you.

21 Anyone else ever attend your -- yes, sir? On the
22 right.

23 JUROR NUMBER 55: Juror 55. City of Hoover. I was a
24 candidate for board of education back about 14 years ago.
25 It's picked by the city council.

1 MS. MARK: Got you.

2 JUROR NUMBER 55: So we had to go through an interview
3 process.

4 MS. MARK: All right. Very good.

5 Anyone else? All right.

6 So this is a white-collar case, which sometimes is a
7 little different. You know, people sometimes expect that
8 they're going to come to court and hear about murder or
9 robbery and see what you see on TV like CSI. And that's
10 not the type of case that this is. There won't be any
11 forensics or DNA evidence. This is a case about bribery.
12 And it's bribery of an elected official.

13 Is there anyone who believes that a white-collar crime
14 is not significant?

15 Is there anyone that thinks that paying a bribe to an
16 elected official is just part of doing business? Anyone?

17 Yes, sir?

18 JUROR NUMBER 56: Sorry. I do believe it's very
19 common. 56. I do believe it's very common.

20 MS. MARK: What do you believe is very common?

21 JUROR NUMBER 56: That paying a bribe to an elected
22 official is quite common.

23 MS. MARK: Do you think that's just part of doing
24 business?

25 JUROR NUMBER 56: Yes.

1 MS. MARK: Do you think that's okay?

2 JUROR NUMBER 56: Absolutely not.

3 MS. MARK: Does anyone believe that it's not a big
4 deal, just not a big deal to bribe a politician?

5 Well, I'm getting close to the end of my list. One of
6 the issues in this case that you will not have to consider
7 is punishment. The Court determines punishment. It is
8 completely within the Court's authority to determine
9 punishment. So you will not be asked to consider
10 punishment at all. Do you think that you'd be able to set
11 that aside and just listen to the evidence and make a fair
12 and impartial decision about this case after hearing all of
13 the evidence?

14 If you were selected for this jury, you will be called
15 upon to sit in judgment of another person. And I ask if
16 there's any reason that you may have, whether it's
17 religious or philosophical or personal, that you just feel
18 like that you could not sit in judgment of another person?
19 Does anyone feel like they could not do that?

20 Yes, ma'am?

21 JUROR NUMBER 39: I'm 39. As a counselor, you're
22 trained to be very neutral. So I'm always looking for the
23 gray area. So I do worry that I'm not going able to pick a
24 side or make a decision about it just because I'm going to
25 be worried that there's some pressuring or something that

1 we're not seeing or something like that that I don't
2 understand or don't have the information for.

3 MS. MARK: Okay. Thank you.

4 JUROR NUMBER 57: I'm Juror 57. And I kind of just
5 feel like it would be hard to choose somebody's fate. I
6 don't know if, like -- I think I could do it. I just think
7 it would be hard to choose somebody's fate. It's a big
8 deal.

9 JUROR NUMBER 44: I'm 44. I agree with what you said
10 because I'm going to -- I'm studying psychology in college
11 right now, and my plan is to be a counselor. So that's --
12 I don't know. I've noticed -- that's why I went into
13 counseling was because I noticed that I'm always, like,
14 understanding both sides. So I can't pick a side because I
15 can always understand their motive behind it. Whether that
16 be a good or bad thing, I can always see why, so, yeah.

17 MS. MARK: Okay. Thank you for telling us that. I'm
18 going to take one moment, if I can, Your Honor, to --

19 THE COURT: You may.

20 MS. MARK: -- confer, then I may be done.

21 (Pause.)

22 MS. MARK: Your Honor, that's all the questions I have.
23 Thank you.

24 THE COURT: Thank you. Which defendant is going to go
25 first? I forgot to get the logistical --

1 MR. ESSIG: Mr. Gilbert, Your Honor.

2 THE COURT: You may proceed, then, please, Mr. Essig.

3 Ladies and gentlemen, while Mr. Essig is getting his
4 notes together, it is roughly 23 minutes before 4:00. I
5 will take a break at 4:00. And then when we come back, we
6 will finish with him and call it a day. And then when we
7 come tomorrow, it will be for the other two defendants to
8 do their voir dire.

9 Mr. Essig, you may begin when you are ready, please.

10 MR. ESSIG: Thank you, Your Honor.

11 All right, y'all. Y'all have already sort of been
12 introduced to me. You know that my name is Brandon Essig.
13 But if it makes you feel more comfortable, feel free to
14 call me Lawyer Number 2 since that seems to be the way
15 we're approaching today.

16 Like Ms. Mark, yeah, we get to sit here and we get to
17 listen to you. And before we even open our mouths, we hear
18 a lot about you. And I'll take a few minutes to introduce
19 myself to you. I won't be long.

20 Again, my name is Brandon Essig. I work at the law
21 firm of Lightfoot, Franklin & White. And as you've already
22 heard, along with my partner Jack Sharman and Jeff Doss, we
23 represent Mr. Joel Gilbert.

24 A little bit about me. I grew up in the Birmingham
25 area. I split my childhood between Pinson and Remlap. And

1 other than that, I spent pretty much my entire life
2 in Alabama except for four years in the Marine Corps, which
3 included seven months in Iraq. So other than that, I've
4 pretty much been around here.

5 What I want to start and talk about today is, you know,
6 a lot of times -- we've had a lot of discussion about
7 political issues here today, and Ms. Mark did a good job of
8 asking you questions to identify some of those issues. And
9 that brings up something else. It brings up the First
10 Amendment.

11 And most of the time in our culture, when we talk about
12 the First Amendment or hear about the First Amendment,
13 usually the things we're talking about is the freedom of
14 speech and the freedom of religion. But the First
15 Amendment also includes the right of the citizens in this
16 country to petition their government for a redress of
17 grievances. It also includes the right of citizens to
18 assemble with fellow citizens to try to affect the outcome
19 of government actions or policy.

20 Now, there are some big words in there, but let me ask
21 you this question to start with. Has anyone here ever been
22 involved in the process of petitioning their government or
23 assembling with fellow citizens to do that?

24 Okay. All right. Juror Number 9; is that right?

25 JUROR NUMBER 10: Juror Number 10.

1 MR. ESSIG: Or 10. I'm sorry.

2 JUROR NUMBER 10: Juror Number 10. That's when we were
3 worried about zoning in Calera and I gathered my neighbors
4 and we all went to the city council meeting to get the
5 apartment stopped.

6 MR. ESSIG: Okay. And who did you meet with when you
7 went to that city council meeting?

8 JUROR NUMBER 10: The city council members. George Roy
9 was sitting up at the front, had his feet propped up, and
10 whoever else was up front. And just the whole rest of our
11 neighborhood and adjoining neighborhoods. There were
12 just -- there was at least a hundred people, if not more.

13 MR. ESSIG: Yes, ma'am. What was the process that you
14 used to actually get permission to go and make that
15 appearance at that city council meeting?

16 JUROR NUMBER 10: I don't know that I actually --

17 MR. ESSIG: Did you have to get permission to get on
18 the agenda?

19 JUROR NUMBER 10: Yes. We had to be on the agenda,
20 yes, sir.

21 MR. ESSIG: And how did you do that?

22 JUROR NUMBER 10: I didn't do it, but another one of my
23 neighbors asked to be put on the agenda. And I don't know
24 how he went about that. We all had different jobs. Mine
25 was to round up the neighbors, and so that's what I did,

1 and we all went there. So I didn't do that part.

2 MR. ESSIG: Okay. All right. Anybody else?

3 Okay, understand, too, when I talk about petitioning,
4 kind of a big word, right, but and assembling. But built
5 into that, I mean, it can include things like writing a
6 letter to your congressman or your city council, emailing
7 your congressman, emailing your tag office because you had
8 to stand in line too long. Anybody ever done anything like
9 that at all?

10 All right. We'll start on this side of the room.

11 JUROR NUMBER 21: I'm 21. And I've written letters to
12 my congressmen before, just various ones.

13 MR. ESSIG: Yes, ma'am. Okay.

14 JUROR NUMBER 22: Number 22. I've written my
15 congressmen, my senators about various issues that
16 concerned me and I felt that was concerning our state.

17 MR. ESSIG: And do you mind telling us what some of
18 those issues were, please?

19 JUROR NUMBER 22: Right offhand, I just don't remember.

20 MR. ESSIG: Okay.

21 JUROR NUMBER 22: It was about two years ago.

22 MR. ESSIG: All right. And I know some of these issues
23 can be personal. If I ask you a question and you don't
24 feel comfortable answering in front of the group, please
25 just let me know and we'll take that up at sidebar or

1 something.

2 JUROR NUMBER 8: Number 8. I did join a busload of
3 people that went to Montgomery and talked to people about
4 reinstating UAB football at the time that that was shut
5 down. And so we did go to Montgomery over that.

6 MR. ESSIG: Yes, ma'am. Okay. And I think you said
7 earlier that you had marched in a march in Birmingham about
8 guns; is that right?

9 JUROR NUMBER 8: Yes. After the shooting in Parkland,
10 that march that organized --

11 MR. ESSIG: Do you mind me asking which side of the
12 issue y'all were marching about?

13 JUROR NUMBER 8: We were marching to have better gun
14 control and to try to, you know, reduce gun violence and
15 so...

16 MR. ESSIG: Was there a permit that y'all got as part
17 of that process of conducting that march?

18 JUROR NUMBER 8: Not that I know of. It was just -- I
19 mean, I'm sure someone did have a permit. I didn't -- you
20 know, we just joined the group that was forming and
21 participated in that march and held signs and all that.

22 MR. ESSIG: Okay. Thank you.

23 UNIDENTIFIED JUROR: I've written my congressman about
24 military benefits.

25 MR. ESSIG: Okay. On this side?

1 JUROR NUMBER 31: 31. I just sent an email for the
2 City of Montevallo clerk and Shelby County commissioner
3 regard pavement of community highways.

4 MR. ESSIG: Was that the same issue that you talked
5 about before that you went to the city council meeting?

6 JUROR NUMBER 31: Yes.

7 JUROR NUMBER 45: Number 45. I've emailed a parole
8 board before.

9 MR. ESSIG: Okay. All right. And Do you mind letting
10 us know what that was -- what it was about?

11 JUROR NUMBER 45: Yeah, it was a murder case and
12 someone --

13 MR. ESSIG: Okay. It was against --

14 JUROR NUMBER 45: Against someone --

15 MR. ESSIG: Were you the one that spoke for your
16 grandmother before?

17 JUROR NUMBER 45: No. No. This was -- and this was
18 pleading not to --

19 MR. ESSIG: Let them out?

20 JUROR NUMBER 45: Let them out.

21 MR. ESSIG: Okay.

22 JUROR NUMBER 48: Juror 48. I've emailed Senators
23 Shelby and Sessions in Alabama and I can't remember who in
24 Kentucky just basically about mental health needs for
25 children.

1 MR. ESSIG: Okay.

2 JUROR NUMBER 54: I was the one that spoke about my
3 grandmother. It was at the sentencing.

4 MR. ESSIG: Okay.

5 JUROR NUMBER 54: I just had to speak about that.

6 THE COURT REPORTER: Juror number?

7 JUROR NUMBER 54: Huh? Oh, I'm sorry. 54.

8 MR. ESSIG: Thank you.

9 JUROR NUMBER 53: I'm Number 53. And this was years
10 ago. I remember writing my congressman when I worked for
11 the mental health hospital about mental health funds.

12 MR. ESSIG: Okay.

13 JUROR NUMBER 49: Juror Number 49. And I've written to
14 Senator Shelby. I think it was 2008 in the financial stuff
15 that was going on. And he was on the financial -- I think
16 he was chairman of the board or whatever it is then.

17 MR. ESSIG: Okay.

18 JUROR NUMBER 49: And I wrote him about that.

19 MR. ESSIG: All right. Thank you.

20 JUROR NUMBER 58: Number 58. I've written Senators
21 Sessions and Shelby about a couple different -- or several
22 different items, the legislation. And I also emailed --
23 participated in an email campaign to audit the Federal
24 Reserve.

25 MR. ESSIG: Okay. And what was that issue regarding?

1 JUROR NUMBER 58: I'm sorry?

2 MR. ESSIG: What was that issue regarding?

3 JUROR NUMBER 58: It was Ron Paul. He was wanting to
4 audit the Federal Reserve.

5 MR. ESSIG: Okay. All right. Thank you.

6 I think we missed -- ma'am, did you -- there was
7 somebody else over here.

8 JUROR NUMBER 18: Juror 18. I worked with a county
9 engineer concerning speed down a county road before.

10 MR. ESSIG: Okay.

11 JUROR NUMBER 18: We continued to have issues with
12 people running through onto our property.

13 MR. ESSIG: Okay. And was that wanting to get a lower
14 speed limit?

15 JUROR NUMBER 18: Yes.

16 MR. ESSIG: Is that what that was about?

17 JUROR NUMBER 18: Yes.

18 MR. ESSIG: Okay. Now, has anybody -- it sounds like
19 what most people were describing were things you've done
20 sort of in your personal capacity, kind of in your personal
21 life. Has anyone ever undertaken any of those
22 activities -- petitioning the government, assembling with
23 others -- as part of your work duties?

24 How about anybody as part of your volunteer time with a
25 nonprofit or a group like that, other than your personal

1 time?

2 JUROR NUMBER 48: I'm Juror 48. I used to be on the
3 board of the Alabama Kidney Foundation, and we would go
4 down to Alabama's legislature on World Kidney Day, just
5 advocate for the needs of --

6 MR. ESSIG: Okay. Did you say the kidney foundation?

7 JUROR NUMBER 48: Alabama Kidney Foundation, yes, sir.

8 MR. ESSIG: Anybody else?

9 Now, let me ask you this. Of those of you that have
10 participated in that activity before, how many of you felt
11 like that your voice was heard? And you can just raise
12 your hands. You don't have to respond. Anybody feel like
13 your voice was not heard, that your public officials did
14 not take into account what you said and pay attention?

15 JUROR NUMBER 18: 18. Once again, when we went to the
16 city council meeting in Alabaster, I just felt like the
17 city council blew our neighborhood off concerning that
18 matter.

19 MR. ESSIG: Now, ladies and gentlemen, the First
20 Amendment, we talked about that before. But in addition to
21 the rights of individuals to do the things that we've
22 talked about, it also protects the rights of businesses,
23 big businesses and small businesses, labor organizations
24 and nonprofits and other groups. It protects their right
25 to petition the government as well.

1 Is there anybody here that thinks that corporations and
2 groups like them should not have the right to free speech?
3 Does anybody here think that corporations like them and
4 other groups like them should not have the right to engage
5 with public officials directly?

6 Now, the law also protects the right of individual
7 citizens and, again, businesses, you know, trade unions and
8 other organizations to spend money on political causes and
9 public issues that are important to them. Does anybody
10 believe that they should not have that right?

11 Sir.

12 JUROR NUMBER 3: I was in the union all my life.
13 Number 3. I've been in the IBEW and a labor union, two
14 different unions. And they'll take your union dues and
15 they'll put it in and give it to a political cause that
16 you're not comfortable with but you have no rights. I
17 don't think there should be any type of lobbying, period.

18 MR. ESSIG: Any type of what?

19 JUROR NUMBER 3: Lobbying.

20 MR. ESSIG: Okay.

21 JUROR NUMBER 3: Money given to a governmental
22 official. None.

23 MR. ESSIG: Okay. Even if it's done -- I mean, what
24 you're describing is a situation where you're forced to do
25 that, right?

1 JUROR NUMBER 3: Corporate should never be able to give
2 money to the government, any government.

3 MR. ESSIG: In any way whatsoever?

4 JUROR NUMBER 3: The individuals should, but not
5 corporate because they have too much influence.

6 MR. ESSIG: Does anybody else agree with that?

7 Thank you.

8 JUROR NUMBER 55: Yeah, I think sometimes lobbyists can
9 be great, but then sometimes I feel like they have too much
10 power and sometimes the little people don't have a voice.
11 Like insurance companies have lobbyists in Washington.

12 MR. ESSIG: Are you saying you don't feel like they
13 should be able to do that?

14 JUROR NUMBER 55: Correct. Not -- yeah.

15 MR. ESSIG: All right. Anyone else?

16 JUROR NUMBER 56: 56. I do not believe that they
17 should be able to contribute to politicians.

18 MR. ESSIG: Okay. And who is "they"?

19 JUROR NUMBER 56: Corporations.

20 MR. ESSIG: Okay. What about labor unions?

21 JUROR NUMBER 56: Or organizations. Or organizations.

22 MR. ESSIG: What about 501(c)(3) organizations,
23 nonprofit, citizens-led groups that get together and donate
24 money?

25 JUROR NUMBER 56: No, not to politicians.

1 MR. ESSIG: Okay. All right.

2 Anybody else?

3 Anybody else think that the free speech rights or the
4 rights to petition by such groups should be less than those
5 of your average citizen?

6 UNIDENTIFIED JUROR: Would you repeat that?

7 MR. ESSIG: Does anyone feel like that the right, the
8 First Amendment rights of a corporation or a labor union or
9 a nonprofit or a similar group, that their ability or their
10 right to donate to campaigns, their right to engage on
11 public issues should be less than those of individual
12 citizens? Does anybody believe that?

13 JUROR NUMBER 22: I think -- this is Juror 22. I think
14 they certainly have a right. I think there needs to be
15 limits pressed on those rights as to how far they can go
16 with it. But certainly they have the right to do it.

17 MR. ESSIG: Okay. Anybody else have any comment on
18 that?

19 Now, has anyone here -- I've heard -- I know we've got
20 a couple or a few NRA members. Has anybody here ever
21 donated money to a political advocacy group, whether it be
22 somebody like the NRA or some other group similar to them?
23 Anyone?

24 JUROR NUMBER 34: Juror 34. I mean, NRA membership
25 costs money, so --

1 MR. ESSIG: Right.

2 JUROR NUMBER 34: -- by that token, yes.

3 MR. ESSIG: Got it. All right. Anybody else? Go
4 ahead.

5 JUROR NUMBER 10: Juror Number 10. My husband and I
6 donate money to the NRA.

7 MR. ESSIG: Okay.

8 JUROR NUMBER 10: We donate money to the National
9 Wildlife Federation and the Alabama Wildlife Federation as
10 well.

11 MR. ESSIG: Okay. Anyone else?

12 JUROR NUMBER 9: We donate to the NRA and also to --
13 and I can't think of the name of it, but it's the group led
14 by Jay Sekulow.

15 MR. ESSIG: Yes, ma'am, I'm familiar with it. Number?

16 JUROR NUMBER 9: 9.

17 JUROR NUMBER 7: Juror 7. I've donated in the past to
18 different veteran organizations like Wounded Warrior,
19 things of that sort.

20 MR. ESSIG: Okay.

21 Anybody else? Yes, sir, in the back?

22 JUROR NUMBER 58: 58. Are you talking about political
23 action committees?

24 MR. ESSIG: That would -- political action committees
25 would be included, yes, sir.

1 JUROR NUMBER 58: Yes, I participated in an AT&T
2 political action committee.

3 MR. ESSIG: Did you say AT&T political action?

4 JUROR NUMBER 58: Yes.

5 MR. ESSIG: Was that your employer?

6 JUROR NUMBER 58: Yes.

7 MR. ESSIG: And was that something that you were
8 required to do, or was that something you did voluntarily?

9 JUROR NUMBER 58: It's volunteer.

10 JUROR NUMBER 32: 32. A number of political action
11 committees over the years.

12 MR. ESSIG: Okay. Now, we've had several of you that
13 have talked about having engagements with public officials,
14 petitioning your government, speaking, assembling together
15 to speak. Has anybody ever helped someone else with that
16 process? For example, maybe helped them write a letter for
17 someone else to send to a congressman or to a city
18 councilman, anything like that? Anybody ever helped
19 somebody? Any of you that have made presentations and gone
20 and spoken to a city council, have you ever helped someone
21 create a presentation or a PowerPoint slide or something of
22 that nature?

23 JUROR NUMBER 32: 32. I've done that as a part of my
24 work, yes.

25 MR. ESSIG: Okay. How many times?

1 JUROR NUMBER 32: Several dozen.

2 MR. ESSIG: Okay. Is that fairly common in your line
3 of work?

4 JUROR NUMBER 32: Yes.

5 MR. ESSIG: You know, it's going to take me a few
6 minutes because I had an outline and Ms. Mark covered many
7 of my questions. So I'm going to have to bounce around a
8 little bit.

9 What I want to do now is I want to talk about -- and I
10 know you guys have given us a lot of information on this.
11 It's the details I want to get. I want to talk about your
12 employment experience. I know we've got a few people in
13 here that are already retired. But I've heard -- it sounds
14 like most of the venire has a pretty significant work
15 background.

16 I mean, so if you're retired and obviously these
17 questions wouldn't any longer apply to you, please answer
18 them as they are relevant to your experience when you were
19 working.

20 Now, how many people in their current job have some
21 sort of supervisory responsibility? All right. I'm not
22 going to follow up right now. Okay. Show of hands. Can
23 we give our numbers? Start here.

24 JUROR NUMBER 1: 1.

25 JUROR NUMBER 2: 2.

1 JUROR NUMBER 4: 4.

2 JUROR NUMBER 6: 6.

3 JUROR NUMBER 7: 7.

4 JUROR NUMBER 8: 8.

5 JUROR NUMBER 10: 10.

6 JUROR NUMBER 11: 11.

7 JUROR NUMBER 13: 13.

8 MR. ESSIG: I'm sorry. 11?

9 JUROR NUMBER 13: 13.

10 MR. ESSIG: 21?

11 JUROR NUMBER 18: 18.

12 MR. ESSIG: All right.

13 JUROR NUMBER 26: 26.

14 MR. ESSIG: 26. Okay.

15 JUROR NUMBER 32: 32.

16 JUROR NUMBER 33: 33.

17 JUROR NUMBER 34: 34.

18 JUROR NUMBER 35: 35.

19 JUROR NUMBER 40: 40.

20 JUROR NUMBER 51: 51.

21 JUROR NUMBER 53: 53.

22 MR. ESSIG: Okay. Of those of you who have supervised
23 people, how many of you at least supervise two or more in
24 your work experience. Okay. I think that's pretty much
25 everybody who just answered.

1 JUROR NUMBER 22: You're talking about currently?

2 MR. ESSIG: Just at any point in time. At any point in
3 time.

4 JUROR NUMBER 22: I'm retired, but I did it in the
5 past.

6 MR. ESSIG: Yes, sir. If you're retired, you did that
7 in the past. And you are 22; is that right?

8 JUROR NUMBER 22: 22.

9 MR. ESSIG: Okay. And I don't think you answered the
10 first time; is that right?

11 JUROR NUMBER 22: No. Because I'm retired.

12 MR. ESSIG: All right. How many of you have supervised
13 five or more employees as part of your job responsibility?
14 Okay. Let's go through it. So 1 and 2, 4, 6, 7, 11, 13,
15 22, 26, 27, 29, 35?

16 JUROR NUMBER 34: 34.

17 MR. ESSIG: 34, 35 --

18 JUROR NUMBER 37: Previously I have. Not current.

19 MR. ESSIG: Okay. And you're 37?

20 JUROR NUMBER 37: 37.

21 MR. ESSIG: Okay. All right. 40.

22 JUROR NUMBER 52: 52.

23 MR. ESSIG: 52, 55. I missed you. I'm sorry. 31.

24 JUROR NUMBER 31: Yeah, previous.

25 MR. ESSIG: Okay. That's fine. That's fine. 18.

1 JUROR NUMBER 19: 19. In a previous role.

2 MR. ESSIG: Previous role. Okay. How many of you in
3 your work history have supervised more than 10 people at
4 any given point in time? All right. Fewer. 2 -- Number
5 2, Number 4, Number 7, Number 11, Number 13. What number?

6 JUROR NUMBER 19: 19.

7 MR. ESSIG: 19, 22, 26, 27, 29, 34, 52, 56. Okay.
8 Anybody else? All right. Anybody more than 20? We're
9 going lower, but we're still going. Number 7 -- let me do
10 it this way for these folks. Number 7, what's the largest
11 number of people you've supervised?

12 JUROR NUMBER 7: 226.

13 MR. ESSIG: 226? Is that in your current job?

14 JUROR NUMBER 7: Yes.

15 MR. ESSIG: When you were in the Marine Corps, you
16 probably had some supervisory --

17 JUROR NUMBER 7: When I was in the military, I was a
18 platoon sergeant. I had about 157 altogether.

19 JUROR NUMBER 10: I'm looking around, and all of us
20 teachers are kind of looking at each other. You want to
21 tell us -- because when we are teaching, we are
22 supervising. I mean, we're supervising our students.
23 We're supervising student teachers. We're supervising.
24 Are you considering that? Or are you just talking about,
25 like, corporate management?

1 MR. ESSIG: Lets include -- my wife's a teacher, so I'm
2 not discounting. Let's don't include the little ones.
3 Let's include other teachers, teacher's aides, helpers,
4 that sort of thing. Or if you've had a job where you've
5 supervised a team of teachers, let's include those, too.

6 JUROR NUMBER 11: Number 11. Up to 30.

7 MR. ESSIG: Up to 30? Okay.

8 JUROR NUMBER 22: 22. 139.

9 MR. ESSIG: Okay. Was that in your missions role?

10 JUROR NUMBER 22: Yes. Correct.

11 JUROR NUMBER 29: 75.

12 MR. ESSIG: What was the context in which you managed
13 that number of employees?

14 JUROR NUMBER 29: We were a master distributor.

15 MR. ESSIG: Okay.

16 JUROR NUMBER 29: And everything that dealt with
17 drugstores, small warehouses, we did all the shipping.

18 MR. ESSIG: Okay.

19 JUROR NUMBER 29: 29.

20 JUROR NUMBER 34: 34. Approximately 100.

21 MR. ESSIG: Okay. Is that in your current job?

22 JUROR NUMBER 34: No. Past.

23 JUROR NUMBER 52: 52. 27.

24 MR. ESSIG: Is that current job?

25 JUROR NUMBER 52: Yes.

1 JUROR NUMBER 56: 56. 45.

2 MR. ESSIG: Is that in your current role or previous
3 job?

4 JUROR NUMBER 56: Previous.

5 MR. ESSIG: What was the context that you supervised --

6 JUROR NUMBER 56: It was a humanitarian aid
7 organization.

8 MR. ESSIG: Okay.

9 JUROR NUMBER 19: 19. In a previous role, I was a
10 debris manager for the storm cleanup after the Tuscaloosa
11 tornadoes. So around 20, 25 people.

12 MR. ESSIG: Okay. Were you working for the company
13 that was in charge of that?

14 JUROR NUMBER 19: I was working for Phillips & Jordan.
15 It was a contractor that was assigned to clean up the
16 estate.

17 MR. ESSIG: Okay.

18 JUROR NUMBER 19: Or clean up the area.

19 THE COURT: Okay. All right. Mr. Essig, are you done
20 with the supervisory line of questioning?

21 MR. ESSIG: Yes, sir.

22 THE COURT: All right. Let me take a break here.

23 Ladies and gentlemen, let me give you 15 minutes. When
24 we come back, Mr. Essig will have roughly 40 minutes left.

25 Please do not talk about the case during the break. If

1 anyone approaches you about it, please let me know. And,
2 again, the jurors -- please, everyone, let the jurors exit
3 the courtroom first.

4 (Recess.)

5 THE COURT: Ladies and gentlemen, apparently some of
6 you are concerned about procedures and length. The jury
7 selection today will end sometime shortly after 5:00, and
8 then we will continue in the morning at 9:00 a.m. with one
9 of the other defendants and then at 10:00 with the second
10 defendant. By 12:00 noon tomorrow, we will have a jury in
11 this case, and those of you who are not selected will be
12 excused at that point.

13 But for today, Mr. Essig is about to continue. As I've
14 said, he's got roughly 40 minutes, give or take some time
15 depending on your answers. But we're not going to go past
16 5:30 today. I suspect we'll be done before then.

17 Mr. Essig, you may continue.

18 MR. ESSIG: Thank you, Your Honor. It's always fun
19 when you're the lawyer that gets to keep the jury right up
20 until rush hour begins. I apologize and thank you for
21 sticking with us today. I know it's tough. But I'm going
22 to try to move as quickly as I can. Got a few more topics
23 to cover on the issue of work experience.

24 How many of you or your spouses are involved in a job
25 that involves business development or sales? And just a

1 show of hands on this one. Okay. So 2, 4, 6, 7. What's
2 your number? I'm sorry, ma'am. 20? 27, 18 -- right? 33,
3 31, 37. I'm sorry. 39? Or no?

4 JUROR NUMBER 39: 39.

5 JUROR NUMBER 44: 44.

6 MR. ESSIG: 44.

7 JUROR NUMBER 45: 45.

8 MR. ESSIG: 45, 51, 53 and 55 and 56. Okay. Just
9 making sure.

10 JUROR NUMBER 31: 31.

11 MR. ESSIG: I'm sorry. 31. And then 38? Okay.

12 In your day-to-day jobs, how many of you here have a
13 role or have as part of your responsibilities compliance
14 with either federal, state, local, or company rules? Okay.
15 Let's ask it this way. How many do not? All right.
16 Number 22, Number 18 --

17 JUROR NUMBER 19: 19.

18 MR. ESSIG: Or 19. And Number 24. Okay. All right.

19 How many of you -- I think everybody nowadays probably
20 gets some training on compliance. How many as part of your
21 responsibility you have to supervise in some sort of
22 compliance role? Have to sort of train people or supervise
23 people on their compliance responsibilities? Number 2,
24 Number 6, Number 7, Number 10, 13, 19, 32, 33, 34, 35.

25 Sir, what was your number?

1 JUROR NUMBER 46: 46.

2 MR. ESSIG: 46.

3 JUROR NUMBER 53: I did previously, not currently.

4 MR. ESSIG: Okay. And 53.

5 How many of you work in human resources?

6 JUROR NUMBER 49: I did.

7 MR. SHARMAN: You did? What juror number are you?

8 JUROR NUMBER 49: I worked for SouthTrust Bank in the
9 human resources department. Juror Number 49.

10 MR. ESSIG: Okay.

11 JUROR NUMBER 49: SouthTrust Bank human resources
12 department.

13 MR. ESSIG: Thank you, ma'am. 45?

14 JUROR NUMBER 45: 45. I did, too. SouthTrust, human
15 resource development.

16 MR. ESSIG: All right. And 27? And, ma'am, where did
17 you work?

18 JUROR NUMBER 27: I was human resources in two
19 different places.

20 MR. ESSIG: Okay.

21 JUROR NUMBER 27: Patton Chapel Animal Clinic and TRO
22 Jung Brannen.

23 MR. ESSIG: Now, I'm going to ask you a question that's
24 related to that, and this may be a little bit confusing.
25 But I don't want to hit the same territory. So let me ask

1 you this. Has anyone ever worked in a job where you
2 reviewed employment records or performed job performances
3 for other people? And that's probably going to be all of
4 you that previously raised your hand as supervisors. If
5 that's you and you did that in your supervisory capacity,
6 no need in answering the question. What I'm getting at is
7 someone maybe worked in an HR department or sort of did
8 that job on a day-to-day basis.

9 Okay. Now, Ms. Mark earlier alluded to the fact that
10 this case involves a Superfund site, an EPA Superfund site.
11 And the EPA Superfund site that is at issue here was called
12 the 35th Avenue Superfund Site, and it was located in North
13 Birmingham. Okay.

14 Just so you can orient yourself a little bit -- I'm not
15 going to go into a lot of detail right now -- but North
16 Birmingham -- and those of you from Birmingham may be aware
17 of this -- is not just the north side of town. There's an
18 area of town sort of north and east of Interstate 59 and 20
19 here that actually is sort of the North Birmingham
20 neighborhood that's made up of a group of neighborhoods,
21 okay? And that's the area where the 35th Avenue Superfund
22 site was located. Okay.

23 Other than those of you that have already answered that
24 question, anybody else have any other knowledge of this
25 area that we haven't already talked about? Specifically

1 related to the Superfund?

2 Okay. Now, another aspect of this case is that at the
3 time that the events in this case began, is that the EPA
4 had designated that area as a Superfund site, was cleaning
5 it up, and a company called Walter Coke was actually
6 assisting in the cost of that cleanup.

7 Do any of you have any knowledge -- other than the
8 gentleman that worked at Walter Coke, anybody else have any
9 knowledge of that fact?

10 And, also, you will learn as a part of this case that
11 at the time this case began, one of the things that
12 happened is that the group you've heard mentioned as GASP
13 filed a petition to extend the Superfund site into a
14 neighborhood called Tarrant and to include a plant owned by
15 Drummond Company that was operated in Tarrant. Anybody
16 have any knowledge about that other than the gentleman that
17 worked at Walter Coke? Anybody have any knowledge about
18 that?

19 Now, is there anyone -- and I don't think this is the
20 case. I know we've got a number of people on the jury from
21 Birmingham. Anybody here that lives in the North
22 Birmingham community? Some of the neighborhoods,
23 Collegeville, Harriman Park? It's over near Carver High
24 School, is the area primarily that it deals with. Anybody
25 live there?

1 Okay. Anybody live in Tarrant?

2 Do you live in Tarrant currently, ma'am? I'm sorry.

3 What's your jury number? Let's start with that.

4 JUROR NUMBER 41: 41.

5 MR. ESSIG: Okay.

6 JUROR NUMBER 41: Yeah. Well, I live between

7 Fultondale and Tarrant.

8 MR. ESSIG: Okay.

9 JUROR NUMBER 41: And do have a Tarrant ZIP Code.

10 MR. ESSIG: Okay. Go ahead. Just so everybody heard
11 it.

12 JUROR NUMBER 41: Yeah, I have a Tarrant ZIP Code, but
13 I do live between Tarrant and Fultondale, but all my mail
14 is addressed to Birmingham.

15 MR. ESSIG: Okay.

16 JUROR NUMBER 41: At the same ZIP Code.

17 MR. ESSIG: All right. So are you on the west side of
18 Highway 79 heading north? Is that where you are?

19 JUROR NUMBER 41: Yes, I'm on the west side of 79.

20 MR. ESSIG: Okay. Now, there are some communities that
21 directly surround Tarrant. And I know we've got a few of
22 you in here because we've already talked about it. But
23 anybody from -- I know we've got some people from
24 Gardendale. Who are the jurors from Gardendale? I'm
25 sorry. If you'd raise your hand again. What was your

1 number?

2 JUROR NUMBER 16: 16.

3 MR. ESSIG: 16, 20.

4 JUROR NUMBER 47: 47.

5 MR. ESSIG: Okay. And do we have anybody -- do we have
6 any jurors from Pinson? I think close to it. We've got
7 somebody from Remlap?

8 JUROR NUMBER 1: I mean, I'm close to Pinson, but I
9 have a Birmingham ZIP Code.

10 MR. ESSIG: Okay. All right. Okay.

11 JUROR NUMBER 47: Morris.

12 MR. ESSIG: You're in Morris? Which is close by.
13 Anybody else from Fultondale? We've got one from
14 Fultondale. Anybody else from there? I know we've got a
15 couple people from Center Point. If you're from Center
16 Point, raise your hand, please. And you're Number 28; is
17 that right? Anybody from the Roebuck area? Anybody live
18 in Roebuck?

19 JUROR NUMBER 17: Yes, I am.

20 MR. ESSIG: Yes, ma'am. And you're?

21 JUROR NUMBER 17: 17.

22 MR. ESSIG: 17. And we talked before, Ms. Mark
23 mentioned a group called GASP, which she just asked if you
24 had heard of it. Just to be clear, GASP is an acronym that
25 stands for the Greater Birmingham Alliance to Stop

1 Pollution. Anybody ever heard of GASP or know it by that?

2 Now, you're going learn in this case that part of what
3 this case involved was GASP working with the EPA to try to
4 extend the Superfund site into Tarrant to include Drummond
5 Company. And I think I've probably covered this before,
6 but anybody have any knowledge about GASP's work on the
7 Superfund site or GASP's work that they did with the EPA?

8 I think you've probably answered this question, but I
9 assume nobody here has ever worked with GASP, done any
10 volunteer work, ever made a donation to GASP? Anybody been
11 involved in any activity like that?

12 Now, getting into when I asked you some questions about
13 lawyers -- and for this, you know, disregard the last eight
14 hours of your life because my question is does anyone here
15 have any strong attitude, either positive or negative,
16 towards lawyers, present company excluded? Anybody just
17 sort of in your, you know, sort of philosophy on life think
18 that lawyers can't be trusted just as a general matter?

19 Number 22?

20 JUROR NUMBER 22: My daughter is a lawyer. Well, she's
21 a member of the bar, but she's in HR.

22 MR. ESSIG: Okay.

23 JUROR NUMBER 22: And I have a very positive outlook,
24 obviously, toward lawyers.

25 MR. ESSIG: So do my parents.

1 Anybody else? Yes, ma'am?

2 JUROR NUMBER 20: Number 20. My oldest daughter is a
3 lawyer and so is her husband, and I'm very proud of them.
4 They work hard, and they're good -- they're very honest
5 and...

6 MR. ESSIG: 29. Is that right, ma'am?

7 JUROR NUMBER 30: 30.

8 MR. ESSIG: 30. Anybody else?

9 Anybody have a view of lawyers or the legal profession
10 that you think would keep you from being fair and impartial
11 in considering this case?

12 Does anybody have those same types of views -- same
13 questions for Mr. Gilbert and Mr. McKinney's law firm,
14 Balch & Bingham? Anybody have any views one way or the
15 other that would affect your ability to be fair in this
16 case about Balch & Bingham?

17 Yes, sir.

18 JUROR NUMBER 42: 42. Juror Number 42. You know, I
19 just -- I don't know if it's me or just personally against
20 lawyers. Some of you are good. Some of you aren't. You
21 know, you watch so much stuff on TV, who can you believe?
22 You know, how you going to say this lawyer did this, this
23 lawyer did that? You know, so who is it that you can
24 believe in any situation? You know, that's the whole
25 thing.

1 MR. ESSIG: Okay. Sir, do you believe you could decide
2 this case based on the facts and the evidence than rather
3 sort of that perception?

4 JUROR NUMBER 42: No.

5 MR. ESSIG: Okay.

6 Now, is there anybody here that personally has hired a
7 lawyer to represent them? We won't get into why. 1, 5, 7,
8 9, 10. Right now I'm not looking for if you've done it in
9 your employment. I'm looking just you personally. Okay.
10 Same ones? 1, 5, 7, 9, 10, 11, 14, 16, 21, 23, 24, 28 --
11 27, I'm sorry -- 31, 32, 35. Ma'am, I forget yours. I
12 apologize.

13 JUROR NUMBER 41: 41.

14 MR. ESSIG: 41, 39 and 58 and 56. Okay.

15 Anyone here ever as part of your job responsibilities
16 ever been involved in the process of your company or your
17 employer or your business hiring a lawyer?

18 Number 6, 33, 35, 22, 56. Did I get you, 33?

19 JUROR NUMBER 33: Yes.

20 MR. ESSIG: Okay. Anyone else? Did I get all of
21 those? 32.

22 Does anyone disagree with this statement: Businesses
23 facing lawsuits or legal problems have the right to hire
24 lawyers to defend themselves? Anybody disagree with that
25 statement?

1 My next question -- again, disregard the past eight
2 hours of your life and present company excluded -- anyone
3 ever had a negative experience with a lawyer? Yes, ma'am.
4 We'll start with Number 2.

5 JUROR NUMBER 2: Okay.

6 MR. ESSIG: You deal with them all the time in your
7 job?

8 JUROR NUMBER 2: Every day. So just disagreements
9 on -- I'm sorry. Juror Number 2.

10 I'm a bodily injury adjuster. So we have continual
11 disagreements. And sometimes those end up in heated
12 discussions and debates but --

13 MR. ESSIG: Okay. That's just sort of in the process
14 of being in litigation?

15 JUROR NUMBER 2: Right.

16 MR. ESSIG: Is that just sort of common in your work,
17 being involved in that?

18 JUROR NUMBER 2: Yes. Very much so.

19 MR. ESSIG: All right. Anyone else? I thought we had
20 a couple other hands over here.

21 JUROR NUMBER 10: Juror Number 10. It had to do with
22 my divorce. I really don't want to go into --

23 MR. ESSIG: We don't have to get into that. Just so
24 you understand, again, this is a -- right now we can do --
25 we can do yes or no if you want.

1 Anybody else? Number 32, for the record.

2 Number 56? Okay. Do you mind talking about it?

3 JUROR NUMBER 56: I'd rather not.

4 MR. ESSIG: Okay. That's fine. Okay. 29?

5 JUROR NUMBER 29: Yes.

6 MR. ESSIG: Now, ladies and gentlemen, Ms. Mark stood
7 up here and she told you that this case was about bribery.
8 Now, that's partially correct. What this case is about is
9 an indictment that contains allegations of bribery. Does
10 everyone understand that the defendants as they sit here in
11 this courtroom today, that they are actually presumed
12 innocent of the allegations in the indictment? Does
13 everybody understand that? Does anybody have a problem
14 with that concept?

15 Let me ask you this question. And I'm going to read it
16 so I make sure I get it right. Does anyone believe that
17 the defendants must have done something illegal or improper
18 simply by the fact that they were indicted by a grand jury?

19 Now, former State Representative Oliver Robinson, who
20 you've heard about, has pled guilty in this case. He's
21 agreed to testify for the government in exchange for a
22 reduced sentence. Does that fact lead anyone to believe
23 here today that you're more likely to believe the
24 allegations against them? Or does that change your view of
25 their presumption of innocence? Does that change anyone's

1 view of their presumption of innocence?

2 Number 35, Number 42, 56. Number --

3 JUROR NUMBER 14: 14.

4 MR. ESSIG: 14. Number 8, 31. Anyone else?

5 Now, is there anyone here that believes that you are
6 likely to give government witnesses an advantage or be more
7 likely to believe government witnesses simply because they
8 are testifying for the government? Simply based on that
9 fact?

10 And does everyone understand that during the course of
11 the trial that Mr. Gilbert's attorneys and Mr. Roberson's
12 attorneys and Mr. McKinney's attorneys will have the
13 opportunity to cross-examine witnesses that are called by
14 the government? Does everybody understand that?

15 And does everybody understand that we will have the
16 opportunity to get answers to questions from those people?
17 Does anyone think that the answers we might get from those
18 witnesses on cross-examination are any way due to lesser
19 weight than the answer that the government gets from those
20 witnesses during their questioning?

21 Do any of you believe that you may have difficulty
22 believing our client, Joel Gilbert, simply because the
23 government charged him with a crime? And in your mind, is
24 there any way that Joel Gilbert starts out sort of behind
25 the government or in a lesser position to the government

1 simply because they've alleged that he was involved in
2 criminal activity?

3 All right. I'm letting you go about 20 minutes early.
4 Thank you very much.

5 THE COURT: Thank you.

6 Ladies and gentlemen, in my effort to keep this trial
7 closer to four weeks than the six, let me turn over to the
8 next defendant. We're going to start their voir dire and
9 pick up in the morning. Is it Mr. McKinney who is second
10 or Mr. Roberson?

11 MR. McKNIGHT: Mr. McKinney.

12 THE COURT: Mr. McKinney. You may begin. We're going
13 to go until the top of the hour and then pick up in the
14 morning, please. Mr. McKnight.

15 MR. McKNIGHT: As I mentioned previously, I'm David
16 McKnight. I won't be able to spout your numbers off like
17 Brandon was because I've been sitting over here and I
18 couldn't see half of y'all. But this is the only time that
19 we're going to get to talk to y'all during the case. And
20 you may be glad for that. You may be tired of all the
21 questioning. But after the jury is selected, we won't able
22 to talk to you out in the hallway or in the elevators or
23 anywhere like that. So this is our opportunity to get to
24 ask you some the questions so that we can seat a fair and
25 impartial jury in this case.

1 And as you've come to learn, this case involves some
2 environmental issues. And I want to ask you, who feels
3 that you are more concerned than the average person about
4 environmental issues? Who feels that you're more concerned
5 than the average person about environmental issues?

6 Okay. Nobody in the first row. Second row?

7 JUROR NUMBER 7: 7.

8 MR. McKNIGHT: Number 8.

9 JUROR NUMBER 10: Number 10.

10 MR. McKNIGHT: Number 10.

11 Yes, sir?

12 JUROR NUMBER 24: 24.

13 MR. McKNIGHT: Number 24.

14 JUROR NUMBER 22: 22.

15 MR. McKNIGHT: 22.

16 Yes, ma'am?

17 JUROR NUMBER 21: 21.

18 MR. McKNIGHT: 21.

19 JUROR NUMBER 30: 30.

20 MR. McKNIGHT: 30. Anybody else on the left-hand side?

21 Okay. On the right-hand side?

22 JUROR NUMBER 32: 32.

23 MR. McKNIGHT: 32.

24 JUROR NUMBER 33: 33.

25 MR. McKNIGHT: 33.

1 JUROR NUMBER 34: 34.

2 MR. McKNIGHT: 34.

3 JUROR NUMBER 35: 35.

4 MR. McKNIGHT: 35.

5 JUROR NUMBER 37: 37.

6 MR. McKNIGHT: 37.

7 JUROR NUMBER 40: 40.

8 JUROR NUMBER 42: And 42.

9 MR. McKNIGHT: 40 and 42.

10 Next row?

11 JUROR NUMBER 49: 49.

12 MR. McKNIGHT: 49.

13 JUROR NUMBER 55: 55.

14 MR. McKNIGHT: 55.

15 JUROR NUMBER 56: 56.

16 MR. McKNIGHT: 56.

17 JUROR NUMBER 58: 58.

18 MR. McKNIGHT: 58. Did I miss anybody?

19 Okay. Now, if there's a dispute between an
20 environmental group and a corporation -- no other facts.
21 Just an environmental group and a corporation -- who says
22 they would tend to side with the environmental group over
23 the corporation? Okay. Let's raise those hands. All
24 right. Front row?

25 JUROR NUMBER 2: 2.

1 MR. McKNIGHT: 2.

2 JUROR NUMBER 8: 8.

3 MR. McKNIGHT: 8.

4 JUROR NUMBER 10: 10.

5 MR. McKNIGHT: 10. Third row? Fourth row?

6 Yes, sir?

7 JUROR NUMBER 24: 24.

8 MR. McKNIGHT: 24.

9 Back row?

10 JUROR NUMBER 29: 29.

11 MR. McKNIGHT: 29.

12 JUROR NUMBER 30: 30.

13 MR. McKNIGHT: 30.

14 All right. On the right-hand side? Nobody in the
15 first two rows, first three rows. Fourth row?

16 Yes, ma'am?

17 JUROR NUMBER 53: 53.

18 MR. McKNIGHT: 53?

19 JUROR NUMBER 54: 54.

20 MR. McKNIGHT: 53 and 54.

21 Back row?

22 JUROR NUMBER 56: 56.

23 JUROR NUMBER 57: 57.

24 MR. McKNIGHT: 56 and 57. Thank you.

25 Now, Brandon has asked you about several of these

1 neighborhoods: Fairmont, Collegeville, Harriman Park,
2 Tarrant. Does anybody live in the Inglenook area?

3 Okay. Has anybody heard of a group called Get Smart
4 Tarrant?

5 Now, we've heard from a couple of y'all on this next
6 question. But are any of you members or supporters or have
7 you contributed to environmental organizations? Okay.
8 Members, supporters, contributed to environmental
9 organizations. Let's start out with local ones first. The
10 Black Warrior Riverkeepers, the Alabama Wildlife
11 Federation, the Alabama River Alliance? We've heard those
12 names. Local environmental organizations, members,
13 supporters, contributed to, raise your hand. Okay.

14 JUROR NUMBER 5: 5.

15 MR. McKNIGHT: 5.

16 JUROR NUMBER 8: Number 8.

17 MR. McKNIGHT: 8.

18 JUROR NUMBER 10: 10.

19 MR. McKNIGHT: 10.

20 Okay. 5, tell me which organization it was.

21 JUROR NUMBER 5: The Cahaba River Society.

22 MR. McKNIGHT: Cahaba River Society. Are you a member
23 or a supporter?

24 JUROR NUMBER 5: Just supported and volunteered.

25 MR. McKNIGHT: Okay. Supported and volunteered.

1 Number 8.

2 JUROR NUMBER 8: I think my husband probably
3 contributed to the Riverkeepers and has been to some events
4 of theirs.

5 MR. McKINNEY: Okay. The Black Warrior Riverkeepers?

6 JUROR NUMBER 8: I think so, yeah.

7 MR. McKNIGHT: Okay. All right. How about you
8 personally?

9 JUROR NUMBER 8: I don't think I have personally, but I
10 think my husband has done so.

11 MR. McKNIGHT: Okay. Number 10.

12 JUROR NUMBER 10: You want me to tell you the ones?

13 MR. McKNIGHT: Yes, ma'am.

14 JUROR NUMBER 10: Juror Number 10. The Alabama
15 Wildlife Federation and the National Wildlife Federation.

16 MR. McKNIGHT: Okay. And you contributed or you
17 supported?

18 JUROR NUMBER 10: I'm a member and I contribute.

19 MR. McKNIGHT: Okay. Member and you contribute. Thank
20 you.

21 Okay. Next row?

22 JUROR NUMBER 21: Cahaba River and Black Warrior
23 Riverkeepers. And at one point I was briefly on the
24 Alabama Environmental Council, but it was very brief.

25 MR. McKNIGHT: I'm sorry. What was the last one?

1 JUROR NUMBER 21: I was on the Alabama Environmental
2 Council, but it was very brief.

3 MR. McKNIGHT: Okay. And on those other organizations,
4 are you a member, supporter, contributor? Tell us a little
5 bit.

6 JUROR NUMBER 21: I contribute minor --

7 MR. McKNIGHT: Contribute?

8 JUROR NUMBER 21: Minor amounts to them.

9 MR. McKNIGHT: Okay.

10 JUROR NUMBER 21: But I do support them as far as what
11 they're trying to do, is clean up the rivers.

12 MR. McKNIGHT: Okay. And you were on the Alabama --

13 JUROR NUMBER 21: Environmental Council.

14 MR. McKNIGHT: -- Environmental Council what period of
15 time?

16 JUROR NUMBER 21: Probably 11 years ago.

17 MR. McKNIGHT: 11 years ago?

18 JUROR NUMBER 21: Yes.

19 MR. McKNIGHT: And for how long? You say briefly.

20 JUROR NUMBER 21: Maybe 5 months.

21 MR. McKNIGHT: Okay. Thank you.

22 Was there anybody in the back row? Okay. This side
23 over here?

24 JUROR NUMBER 32: 32. Ruffner Mountain and Red
25 Mountain Park.

1 MR. McKNIGHT: Okay. Contribute, member, support?

2 JUROR NUMBER 32: Contributor.

3 MR. McKNIGHT: Okay. Thank you.

4 Second row?

5 JUROR NUMBER 37: 37. National Wild Turkey Federation
6 and also Alabama Wildlife Federation.

7 MR. McKNIGHT: Okay. And is that mainly because of
8 hunting or is that --

9 JUROR NUMBER 37: Habitat improvement for hunting.

10 MR. McKNIGHT: Okay.

11 JUROR NUMBER 37: Yes.

12 MR. McKNIGHT: All right. Thank you.

13 JUROR NUMBER 48: Juror Number 48. I'm a member of the
14 Alabama River Alliance.

15 MR. McKNIGHT: Okay.

16 JUROR NUMBER 51: 51. Contributor to the Alabama
17 Wildlife Federation.

18 MR. McKNIGHT: Okay. Thank you.

19 JUROR NUMBER 58: 58. I contribute to the Alabama
20 Wildlife Federation and the Cahaba River Society.

21 MR. McKNIGHT: All right. Thank you.

22 JUROR NUMBER 55: 55. Wildlife -- Alabama Wildlife
23 Federation contributor.

24 MR. McKNIGHT: Okay. Thank you.

25 Now, I'm going to ask about national organizations. Is

1 anybody a member, contributor, or supporter of a national
2 organization? The Sierra Club, the National Resources
3 Defense Council, any of those organizations?

4 JUROR NUMBER 10: Juror Number 10. National Wildlife
5 Federation.

6 MR. McKNIGHT: Okay. Yes, ma'am. You said that one.
7 Thank you. Anybody else?

8 Has anybody ever seen a short film called "Toxic City"?

9 Has anybody personally or had a family member
10 personally affected by environmental pollution?

11 Number 2. Was that personally or --

12 JUROR NUMBER 2: My grandparents. They're in Calhoun
13 County. The Monsanto, I guess they were dumping into the
14 nearby waterways and in their areas close to their plant.
15 My grandfather owned property close to the plant. And so
16 he lost all of his rental property plus health problems.

17 MR. McKNIGHT: Okay. Thank you.

18 JUROR NUMBER 3: Does asbestosis count?

19 MR. McKNIGHT: Okay. Yes, sir.

20 JUROR NUMBER 3: I have asbestosis.

21 MR. McKNIGHT: Okay. Anybody else?

22 JUROR NUMBER 31: Number 31. My dad has asbestosis.

23 MR. McKNIGHT: Asbestosis. Okay. Thank you.

24 Yes, sir?

25 JUROR NUMBER 37: I grew up not far from the banks of

1 Bayview Lake, which was probably at one time one of the
2 more polluted areas -- or lakes in our area.

3 MR. McKNIGHT: Okay. And were you personally affected
4 by that?

5 JUROR NUMBER 37: From the smell and mosquito bites,
6 yes, sir.

7 MR. McKNIGHT: Okay.

8 We've asked you a little bit about auditing and
9 compliance and those sort of questions before, but has
10 anybody specifically worked in the area of ethics and
11 professionalism where you had a job that was specifically
12 dealing with ethics?

13 JUROR NUMBER 48: Juror 48.

14 MR. McKNIGHT: She's bringing the microphone to you.

15 JUROR NUMBER 48: Thank you.

16 Juror 48. I serve on the ethic -- Children's of
17 Alabama.

18 MR. McKNIGHT: I'm sorry. You broke up.

19 JUROR NUMBER 48: 48. I serve on the ethics committee
20 for Children's of Alabama.

21 MR. McKNIGHT: Children's of Alabama. And what is
22 that?

23 JUROR NUMBER 48: The hospital down the street.

24 MR. McKNIGHT: Oh, okay. Children's Hospital.

25 JUROR NUMBER 48: Yeah, yeah.

1 MR. McKNIGHT: Okay. Got you. Thank you.

2 JUROR NUMBER 47: Juror 47. I'm in seminary training
3 to be a pastor, so a lot of that is dealing with ethics.

4 MR. McKNIGHT: Okay. Thank you very much.

5 JUROR NUMBER 44: I work for Sav-A-Life Shelby, so I'm
6 pro-life. So I try to promote that.

7 MR. McKNIGHT: Okay. All right. Thank you very much.

8 Anybody else?

9 We've asked you if you have participated in political
10 campaigns, but I want to ask you sort of a general
11 question. Do you consider yourself active in local
12 politics? Does anybody consider themselves active in local
13 politics? Not just a specific. Just on a regular basis.

14 Okay. Yes, sir? She's getting you the microphone
15 here.

16 JUROR NUMBER 19: Yeah, I'm on the executive committee
17 for the Jefferson County Republican Party, so.

18 MR. McKNIGHT: Okay. That would be active?

19 JUROR NUMBER 19: Yeah. Just in the last couple of
20 years, so.

21 MR. McKNIGHT: Okay. I'm sorry. What number? What
22 number are you?

23 JUROR NUMBER 19: 19.

24 MR. McKNIGHT: 19?

25 JUROR NUMBER 19: Yes.

1 MR. McKNIGHT: Okay. And how long have you been on the
2 executive council?

3 JUROR NUMBER 19: This is my second year.

4 MR. McKNIGHT: Okay. Thank you.

5 Anybody else?

6 Okay. And you've been asked before about homeowners
7 association involvement and city council meetings and
8 things along those lines. But I want to ask you, have you
9 ever gone to a political rally, a political rally where
10 there was a cause? I know we marched for gun control, but
11 has anybody else attended a political rally where there was
12 an issue or a cause and you went and attended it? Okay.

13 JUROR NUMBER 33: It was in elementary school. My mom
14 took me to Montgomery for the *Roe v. Wade*
15 pro-abortion/pro-life --

16 MR. McKNIGHT: Okay. For the rights for abortion when
17 you were in elementary school?

18 JUROR NUMBER 33: Uh-huh.

19 MR. McKNIGHT: 33, right?

20 JUROR NUMBER 33: 33.

21 JUROR NUMBER 36: Juror 36. When I was younger, in
22 elementary or middle school, my dad took me and my sisters
23 and my mom to Montgomery for the 10 Commandments rally when
24 they were getting rid of the 10 Commandments out of the
25 courthouse.

1 MR. McKNIGHT: Yes, sir. Okay. Thank you very much.
2 We've got someone in the back row, also?

3 JUROR NUMBER 56: When I lived in West Africa, I ended
4 up -- sorry, 56. I ended up at a political rally that was
5 at a Lebanese social club that was an anti-American
6 political rally.

7 MR. McKNIGHT: Okay. You weren't intending to go
8 there. You ended up there?

9 JUROR NUMBER 56: No. But I was taken by Lebanese
10 folks there as a social evening. It was an anti-American
11 political rally.

12 MR. McKNIGHT: I got you. Okay. Thank you.

13 Anybody else on the right side over here?

14 Okay. Anybody on the left side?

15 Okay. Has anybody ever spoken at a political rally?

16 Okay. Has anyone ever worked with a PAC? A PAC,
17 political action committee?

18 Does anyone oppose PACs, political action committees?

19 Does anyone have a personal friend who is an Alabama
20 legislator?

21 I want to ask you about signing contracts. And
22 specifically with regard to a contract, has anybody signed
23 a contract which included a confidentiality clause in it, a
24 clause that you had to keep something confidential? Raise
25 your hands. Okay.

1 All right. Just going to get numbers. On the first
2 row?

3 JUROR NUMBER 5: Juror 5.

4 MR. McKNIGHT: 5. Second row?

5 JUROR NUMBER 7: 7.

6 MR. McKNIGHT: 7.

7 JUROR NUMBER 13: 13.

8 MR. McKNIGHT: 13.

9 JUROR NUMBER 11: 11.

10 MR. McKNIGHT: 11. Anybody else in the third row?

11 Fourth row?

12 JUROR NUMBER 22: 22.

13 MR. McKNIGHT: 22.

14 JUROR NUMBER 23: 23.

15 MR. McKNIGHT: 23.

16 JUROR NUMBER 26: 26.

17 MR. McKNIGHT: 26.

18 JUROR NUMBER 27: 27.

19 MR. McKNIGHT: 27.

20 JUROR NUMBER 29: 29.

21 MR. McKNIGHT: 29. Anybody else on this side? Okay.

22 This side?

23 JUROR NUMBER 32: 32.

24 MR. McKNIGHT: 32.

25 JUROR NUMBER 34: 34.

1 MR. McKNIGHT: 34.
2 JUROR NUMBER 35: 35.
3 MR. McKNIGHT: 35.
4 JUROR NUMBER 38: 38.
5 MR. McKNIGHT: 38.
6 JUROR NUMBER 41: 41.
7 MR. McKNIGHT: 41.
8 JUROR NUMBER 44: 44.
9 MR. McKNIGHT: 44.
10 JUROR NUMBER 45: 45.
11 MR. McKNIGHT: 45.
12 JUROR NUMBER 48: 48.
13 MR. McKNIGHT: 48. Okay. Fourth row?
14 JUROR NUMBER 50: 50.
15 MR. McKNIGHT: 50.
16 JUROR NUMBER 51: 51.
17 MR. McKNIGHT: 51.
18 JUROR NUMBER 52: 52.
19 MR. McKNIGHT: 52.
20 JUROR NUMBER 53: 53.
21 MR. McKNIGHT: 53.
22 JUROR NUMBER 54: 54.
23 MR. McKNIGHT: 54.
24 JUROR NUMBER 56: 56.
25 MR. McKNIGHT: 56.

1 JUROR NUMBER 43: 43.

2 MR. McKNIGHT: 43. Okay. Anybody else?

3 When you hear somebody had to sign a confidentiality
4 agreement, does that make you think that there's something
5 shady or improper going on?

6 Some people think that people who have earned a lot of
7 money are treated better, in a way that's not fair, by the
8 justice system than people that don't have as much money.
9 Does anyone agree with that? Raise your hands.

10 JUROR NUMBER 3: I have a reason, though.

11 MR. McKNIGHT: Okay. 3. We can talk about that.

12 JUROR NUMBER 10: 10.

13 MR. McKNIGHT: 10.

14 JUROR NUMBER 14: 14.

15 MR. McKNIGHT: 14. Okay.

16 JUROR NUMBER 8: 8.

17 MR. McKNIGHT: 8.

18 JUROR NUMBER 29: 29.

19 MR. McKNIGHT: 29. Excuse me?

20 JUROR NUMBER 30: 30.

21 MR. McKNIGHT: 30. Okay. Anybody else on this side?

22 Okay. On this side?

23 JUROR NUMBER 54: 54.

24 MR. McKNIGHT: 54.

25 JUROR NUMBER 51: 51.

1 MR. McKNIGHT: 51.

2 JUROR NUMBER 50: 50.

3 MR. McKNIGHT: 50.

4 JUROR NUMBER 56: 56.

5 MR. McKNIGHT: Okay.

6 JUROR NUMBER 58: 58.

7 JUROR NUMBER 43: 43.

8 MR. McKNIGHT: I'm sorry. Thank you.

9 Now, if you answered yes to that, would that make you
10 lean extra hard on someone who's charged with a crime that
11 has earned a lot of money just to try to make sure that the
12 system evens out? Does anybody say yes to that?

13 We live in a world of emails. Does anybody -- well,
14 first of all, this: Does anybody not have an email
15 address?

16 Everybody has an email address. Okay. Since everybody
17 has an email address, who with an email address reads every
18 email that comes to your email address? Okay.

19 JUROR NUMBER 3: I read the preliminary.

20 MR. McKNIGHT: Okay. You read the heading. Number 3,
21 right?

22 JUROR NUMBER 3: Right.

23 MR. McKNIGHT: Okay. Read the preliminary. May not
24 read the whole thing, but if the subject grabs you, you'll
25 read the rest of it. Okay.

1 Let's see. I can't do a Brandon. 35.

2 JUROR NUMBER 36: 36.

3 MR. McKNIGHT: 36. Okay. Yes, sir.

4 JUROR NUMBER 36: I read every one.

5 MR. McKNIGHT: You read every email that comes to you.

6 Okay. More than just the subject, you read the whole
7 thing?

8 JUROR NUMBER 36: Usually.

9 MR. McKNIGHT: Okay. Thank you.

10 Anybody else.

11 JUROR NUMBER 1: I just look to see who they're from.

12 MR. McKNIGHT: Okay. Look to see who they're from.

13 JUROR NUMBER 1: Look to see who sent it to me.

14 MR. McKNIGHT: Okay. That's Number 1. I'm sorry.

15 It's getting late in the day and I'm not doing my job
16 correctly.

17 Number 1, you read who it's from.

18 Now, I know Robin asked about training and experience
19 that you might have in the law, and Brandon asked about
20 strong attitudes you might have for lawyers, but does
21 anybody other than the ones who have identified themselves
22 already work for or have you worked for a law firm in any
23 form or fashion? If you've already identified yourself as
24 one of those, you don't have to. But if you haven't, has
25 somebody worked with a law firm that we haven't identified

1 already?

2 Okay. What about close family members working for law
3 firms? Okay. All right. Let's start over here on this
4 side.

5 JUROR NUMBER 22: Yeah. Number 22. When my daughter
6 was in law school, she interned with a firm in Tuscaloosa.

7 MR. McKNIGHT: Okay. And do you recall what firm that
8 was?

9 JUROR NUMBER 22: No, sir, I don't. I'm sorry.

10 MR. McKNIGHT: Okay. And is she practicing law now?

11 JUROR NUMBER 22: No, she is in HR.

12 MR. McKNIGHT: Okay. I'm sorry. You mentioned that
13 before. Yes, sir.

14 JUROR NUMBER 27: Number 27. Our daughter is an
15 attorney.

16 MR. McKNIGHT: And where is she an attorney?

17 JUROR NUMBER 27: Jefferson County.

18 MR. McKNIGHT: Okay. And is she --

19 JUROR NUMBER 27: Family Court.

20 MR. McKNIGHT: Family Court. Okay. Thank you.

21 JUROR NUMBER 19: 19. My sister, she worked briefly
22 with a law firm in Tuscaloosa. I don't remember the name
23 of it. It was when we were younger, during college. She
24 was like a secretary.

25 MR. McKNIGHT: Okay. Thank you.

1 Anybody else on the left side?

2 Okay. Yes, ma'am?

3 JUROR NUMBER 30: Number 30.

4 MR. McKNIGHT: Yes, ma'am?

5 JUROR NUMBER 30: She's a lawyer in Washington, D.C.,
6 and so is her husband.

7 MR. McKNIGHT: Okay.

8 JUROR NUMBER 30: And they're government lawyers.

9 MR. McKNIGHT: They're government lawyers?

10 JUROR NUMBER 30: Yeah.

11 MR. McKNIGHT: Okay. And they're with?

12 JUROR NUMBER 30: Homeland Security and the Securities
13 and Exchange Commission.

14 MR. McKNIGHT: And the Securities and Exchange. Okay.
15 Thank you.

16 JUROR NUMBER 31: Number 31. My first cousin is a
17 lawyer in Atlanta, Georgia, and my niece is a lawyer in
18 Kansas City.

19 MR. McKNIGHT: Okay. Do you know what firm in Atlanta?

20 JUROR NUMBER 31: I don't.

21 MR. McKNIGHT: Okay. Thank you.

22 JUROR NUMBER 33: Juror Number 33. My father-in-law is
23 an attorney at Najjar Denaburg, and my mother-in-law is his
24 assistant.

25 MR. McKNIGHT: Okay. And your father-in-law's name is?

1 JUROR NUMBER 33: Steve Wright.

2 MR. McKNIGHT: Okay. Thank you.

3 JUROR NUMBER 34: 34. My sister-in-law is a paralegal
4 for a firm in Pell City. Do not know who it is with.

5 MR. McKNIGHT: Firm in Pell City?

6 JUROR NUMBER 34: Right.

7 MR. McKNIGHT: Yes, sir. Thank you.

8 JUROR NUMBER 44: One of my -- 44. One of my cousins
9 is a lawyer in Louisiana, but I can't remember what the
10 firm is.

11 MR. McKNIGHT: Okay. Do you know what kind of work
12 they do? No?

13 JUROR NUMBER 44: Not specifically, no. Sorry.

14 MR. McKNIGHT: Okay. Thank you.

15 JUROR NUMBER 48: I'm Number 48. My uncle is a lawyer
16 for the military. Army specifically. And then I have
17 several cousins who throughout the country are lawyers,
18 mainly in like business like work site -- sorry, I can't
19 think of words anymore, but basically work site laws, labor
20 laws.

21 MR. McKNIGHT: Okay. Thank you very much.

22 JUROR NUMBER 39: I've mentioned him, but it's my
23 brother for -- he was lead counsel for Southern Company.
24 He's retired. 39.

25 MR. McKNIGHT: Yes. Retired early. I remember that.

1 Thank you.

2 JUROR NUMBER 39: Yes, he did.

3 MR. McKNIGHT: Anybody else?

4 Does anybody believe that a lawyer who's charged with a
5 crime ought to be held to a higher standard than anybody
6 else?

7 JUROR NUMBER 29: 29.

8 MR. McKNIGHT: 29.

9 JUROR NUMBER 29: Yes.

10 MR. McKNIGHT: Okay. Thank you. Anybody else?

11 Does anybody feel that lawyers are less honest than
12 other people? Okay.

13 JUROR NUMBER 31: 31.

14 MR. McKNIGHT: That took courage, but, yeah, okay. But
15 I appreciate you doing that. Okay. Anybody else?

16 JUROR NUMBER 42: I don't know how this is going to
17 sound, but yeah, because y'all try to be tricky. And
18 questions -- you'll phrase a question five different times
19 to look what kind of answer you get. And to me, that's
20 playing tricks in the whole deal. So it kind of, I guess,
21 builds up your self-esteem or something.

22 MR. McKNIGHT: Okay.

23 JUROR NUMBER 42: 42.

24 MR. McKNIGHT: Oh, I'm sorry. Thank you.

25 Anybody else?

1 Does anyone have a friend, close family member that
2 works in the United States Attorney's Office?

3 Same question for the FBI.

4 Same question for the IRS.

5 Same question for the Alabama Attorney General's
6 office. Family member, friend, close acquaintance that
7 works in the Attorney General's office?

8 What about the district attorney's office, either
9 Jefferson County, Shelby County, Blount County?

10 Has anybody ever applied for a job with a law
11 enforcement agency?

12 Okay. Number 11, right?

13 JUROR NUMBER 11: Number 11.

14 MR. McKNIGHT: And you were, in fact, employed in law
15 enforcement agencies, correct?

16 JUROR NUMBER 11: That's correct.

17 MR. McKNIGHT: Anybody else on the left-hand side?
18 Okay. The right-hand side?

19 JUROR NUMBER 34: 34.

20 MR. McKNIGHT: Yes, sir. And what agency?

21 JUROR NUMBER 34: FBI and Alabaster city police
22 department.

23 MR. McKNIGHT: FBI and Alabaster city police
24 department. Thank you.

25 Anybody else?

1 JUROR NUMBER 58: 58. FBI.

2 MR. McKNIGHT: FBI. Okay.

3 Has anybody or a close family member or acquaintance

4 been employed by the EPA? Now, I know we have -- yes.

5 Okay. I remember that one. Anybody else? Anybody else?

6 Family member, close personal acquaintance employed by the
7 EPA?

8 What about the Alabama Department of Environmental

9 Management or the Alabama Environment -- oh, I'm sorry.

10 Yes, sir?

11 JUROR NUMBER 19: 19.

12 MR. McKNIGHT: 19.

13 JUROR NUMBER 19: Yeah, my girlfriend's brother, he
14 works for ADEM.

15 MR. McKNIGHT: Works for ADEM. And what does he do?

16 JUROR NUMBER 19: He's like an environmental engineer.

17 MR. McKNIGHT: Okay. And what's his name?

18 JUROR NUMBER 19: John Payton.

19 MR. McKNIGHT: Payton?

20 JUROR NUMBER 19: Yes.

21 MR. McKNIGHT: Okay. Thank you. Environmental
22 engineer with ADEM?

23 JUROR NUMBER 19: Yes.

24 MR. McKNIGHT: How long has he been there, do you know?

25 JUROR NUMBER 19: A long time.

1 MR. McKNIGHT: Okay.

2 JUROR NUMBER 19: I don't know much about his work, but
3 he's been there a long time.

4 MR. McKNIGHT: Okay. Thank you.

5 Anybody else?

6 What about the Alabama Environmental Management
7 Commission? Anybody work there, ever worked there, had a
8 close personal friend or family member work there?

9 Judge, it's 10 after. You want me to go to the next
10 topic?

11 THE COURT: No. I was trying to figure out a way to
12 step in without interrupting your groove.

13 MR. McKNIGHT: I'm sorry.

14 THE COURT: No, there's no need to apologize. If now
15 is a good time for you, we can stop here.

16 MR. McKNIGHT: Yes, sir.

17 THE COURT: And thank you for letting me know that you
18 were at a good stopping point.

19 Ladies and gentlemen of the jury, thank you all for
20 your patience. All of you, obviously, have to come back
21 tomorrow so that we can finish the voir dire process and
22 then the lawyers can make the selections for the jury.

23 Please do not talk about this case with anyone. If
24 anyone approaches you about it, please let me know. I
25 thank you in advance again for coming back tomorrow morning

1 and, obviously, thank you all for being here today. It's
2 been a long day. For some of you it's going to be a short
3 day tomorrow. Have a good night, everyone.

4 We're going to start -- please be here in time for us
5 to start at 9:00 a.m. sharp. Please report -- you guys are
6 anticipating where I was going. Please report to the jury
7 assembly room first so that Ms. Cindy can sign you off.
8 Please do so around 8:30ish, and then we will have you up
9 here by 9:00 a.m.

10 Mr. Essig? Yes, sir?
11 (Off-the-record discussion.)

12 THE COURT: Ladies and gentlemen, obviously, in
13 addition to not talking to anyone about the case, to the
14 extent there's any media coverage about this case at all,
15 please do not expose yourself to it. If it's a newspaper
16 article, stop reading it. If you're watching the news
17 tonight and there's a story about this case, if you're by
18 yourself, please change the channel. If you're with family
19 members, please politely excuse yourself from the room.

20 And this case is to be decided solely based on the
21 evidence that's presented here in this courtroom. To make
22 sure that none of you are tainted in any way, please do not
23 do any of your own research tonight or at any time else
24 between now and the end of this case, for those of you who
25 are selected.

1 Again, please show up downstairs by 8:30 in the
2 morning. We will begin up here at 9:00 a.m. sharp. Thank
3 you all.

4 The jurors will be excused first. I'm going to hold
5 everyone else in the courtroom until you guys are off this
6 floor.

7 Thanks, everyone. Have a good night.

8 (The following proceedings were had in open court
9 outside of the presence and hearing of the venire.)

10 THE COURT: For the lawyers and the parties, payroll
11 dollars are always an issue. My CSOs, courtroom security
12 officers, are going to be working late because of this
13 case. The marshals, who are the one responsible for paying
14 the court security staff, has asked that I please encourage
15 you to leave when we close court every day within 15
16 minutes max. I know that all of you like to stick around
17 to chat and get ready for the next day, but to make sure
18 that there's enough money for the end of the fiscal year,
19 please, 15 minutes maximum at the end of court every day,
20 please.

21 Thanks, everyone. I will be in in the morning and will
22 come up here before 9:00 a.m. But when we begin, I
23 obviously will turn it over to Mr. McKnight.

24 Who is doing the voir dire for Mr. Roberson? Is it
25 you, Mr. Bloomston?

1 MR. BLOOMSTON: Yes, sir.

2 THE COURT: Okay. And then I will turn it over to you.
3 Mr. McKnight has roughly 32 minutes left. I don't plan to
4 take a break when he ends. Be ready to go right away.

5 Thanks, everyone. Please give the jurors about a
6 minute or two before you exit.

7 Yes, sir?

8 MR. BLOOMSTON: Your Honor, if I may, if the government
9 anticipates testimony beginning tomorrow after opening, we
10 would expect that the Court's previous order on the 7:00
11 turnover of potential witnesses for the next day.

12 THE COURT: That makes sense. My goal is for you guys
13 to be doing your closing arguments, worst case scenario,
14 right after lunch. But preferably -- well, you will need
15 time, obviously, for us to deal with the jury selection
16 process.

17 But. Yes, I think there will be at a minimum at least
18 one witness tomorrow, depending on the length of that
19 person, maybe two.

20 Consistent with what I've said before, by 7:00 p.m.
21 each day, please let the other side know the witness or
22 witnesses you anticipate calling the next day, please.

23 Thank you all. I'll see you in the morning before
24 9:00 a.m.

25 MR. GILLEN: Your Honor?

1 THE COURT: Yes, sir?

2 MR. GILLEN: One more thing. In terms of the amount of
3 time that defense counsel -- there are three. We're trying
4 to work together. How much time has the Court thought that
5 we would have to compare our notes to make decisions prior
6 to the striking of the jury? How much deliberation time
7 will we have?

8 THE COURT: Be ready immediately after Mr. Bloomston is
9 done with strikes for cause. I will take those up. I
10 think you guys generally at this point have a fairly good
11 idea of at least half of them that you believe such a
12 request needs to be made for.

13 With respect to the actual preemptory strikes, I plan
14 to give you guys 15 minutes individually and then 5, I
15 guess, collectively. But just plan to take 20 minutes per
16 side for your strikes.

17 The plan for now, again, is 10 and 6. If I have enough
18 jurors, and I believe I will, I will likely give the
19 defense collectively 2 more. And then depending on how
20 many strikes -- I mean, how many alternates that I use, you
21 may get as many as 3 additional strikes for alternates if I
22 go to my maximum of 6, which is what I'm leaning, assuming
23 I have enough jurors.

24 But 20 minutes for the preemptory conferences either
25 individually or collectively for the defendants.

1 MR. GILLEN: Thank you, Your Honor.

2 THE COURT: Thanks, everyone. Have a good night,
3 everyone. I think the jurors are probably gone by now, so
4 you're free to exit the courtroom.

(The proceedings were continued to June 26, 2018.)

C E R T I F I C A T E

I, Sabrina Lewis, RDR, CRR, Official Court Reporter for the United States District Court for the Northern District of Alabama, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings reported by me using the stenotype reporting method in conjunction with computer-aided transcription, and that same is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Dated: September 9, 2018



SABRINA LEWIS, FEDERAL OFFICIAL COURT REPORTER